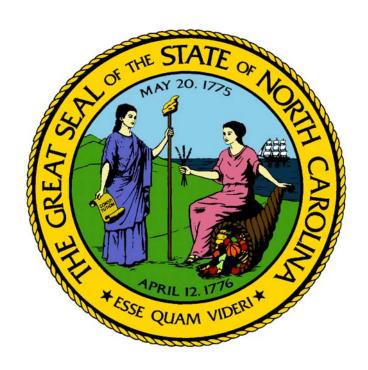
NORTH CAROLINA STATE BOARD OF ELECTIONS



NATIONAL VOTER REGISTRATION ACT AGENCY VOTER REGISTRATION TRAINING MANUAL & GUIDE

(Updated February 2009)

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STATE BOARD OF ELECTIONS

6400 Mail Service Center • Raleigh, North Carolina 27699-6400

GARY O. BARTLETT Executive Director

Mailing Address: P.O. BOX 27255 RALEIGH, NC 27611-7255 (919) 733-7173 FAX (919) 715-0135

February 28th, 2007

To All Agency Voter Registration Employees:

Welcome to the North Carolina voter registration program! The agency voter registration program seeks to help North Carolina registration officials reach unregistered eligible voters in the State. Your participation is critical in our efforts to reach 100% registration in North Carolina. We sincerely appreciate your hard work and dedication.

Since the implementation of the agency voter registration program on January 4, 1995, agency voter registration has produced outstanding results. State agencies have reached many of the underrepresented eligible voters in North Carolina.

Materials enclosed in this **Reference Guide and Training Manual** should help you through the voter registration process and answer any questions you may have. If you encounter any specific problems, or have questions not answered by material in this manual, please contact the county board of elections. A county board roster is available on our website www.sboe.state.nc.us. If necessary, the State Board staff is also available to answer questions regarding voter registration laws and procedures.

Very best regards,

Hary O. Bartlett

Gary O. Bartlett Executive Director

NATIONAL VOTER REGISTRATION ACT (NVRA) DESIGNATED PROGRAMS AND AGENCIES

Who: All North Carolinians who apply for or receive services or benefits under one of the following

programs or agencies: Employment Security Commission (ESC), Food Stamps, Division of Medical Assistance (Medicaid), Division of Mental Health, Developmental Disabilities and Substance Abuse Services (MHDDSAS), Services for the Blind, Services for the Deaf and Hard of Hearing, Vocational Rehabilitation, WIC, Work First, Office for Veteran Services, State County Special Assistance for Adults, and Low Income Energy Assistance Program.

What: The opportunity to register to vote or update voter registration while applying for benefits,

renewing benefits, or reporting a change of address at one of the above programs.

When: At original application for service and at each renewal of service or when providing a change

of address or name to the agency.

Where At any agency office that administers services or benefits under one of the programs listed

above.

Why: It's the law. The purpose of the law is to make the voter registration process more

accessible to all eligible voters.

How: Agency staff must offer the applicant the opportunity to register to vote, and the necessary

form. Staff are required to provide the same level of assistance in completion of the voter registration form as would be offered in the completion of agency forms. Completed voter registration forms must be transmitted within five business days to the county Board of

Elections.

PROCEDURES FOR VOTER REGISTRATION AT DESIGNATED AGENCY OFFICES

Information contained in this section outlines the procedures for administering the new agency voter registration program. Each subsection details the procedures for different situations. The term "client" in this manual means both applicants for and clients currently receiving services.

If after reading the information here you have questions, or if a situation occurs for which there are no guidelines printed here, please contact the county Director of Elections. Contact information for county boards of elections, can be found on our website www.sboe.state.nc.us. You may also call toll-free 1-866-522-4723.

A. SUGGESTED Openers

If you are not registered to voter where you live now, would you like to apply to register to vote here today?

~OR~

You may now register at this office to vote in all elections in which you may be eligible to vote after registering. Would you like to register to vote while you are here today?

The opportunity to register to vote should be offered at the beginning of the client interview so that the voter registration questions are clearly separated from the benefit eligibility process. (Staff working under the Division of Mental Health, Developmental Disabilities and Substance Abuse Services needs to review Attachment D for special instructions as to offering registration.)

It should also be made clear to the client that a decision to complete an application to register, or to decline that opportunity, will in no way affect the services or benefits provided by the agency.

B. Voter Registration Preference forms

Registration Preference Form." This form records whether each client (1) wishes to register to vote or update an existing registration, (2) does not wish to register to vote, (3) is already registered to vote, or (4) wishes to register to vote but prefers to take the voter registration application home. The Voter Registration Preference form is used only for voter registration purposes, and serves to protect the client from any coercion. Agency staff should reassure clients of this fact in order to obtain a signature on the Voter Registration Preference form. Please note that the current "Voter Registration Preference forms" used to be called "declination" forms.

Procedures for Completion of the Voter Registration Preference Form

- The client should check the box next to the appropriate answer to the question of whether s/he wishes to register to vote. Declining the opportunity to register does not prohibit the client from registering to vote any time in the future.
- The client should print his/her full name and date of birth.
- The client should sign his/her name and print the transaction date (that day).

If the Client Refuses to Complete the Preference Form

Should the client decline to register but refuse to sign the Voter Registration Preference form, the agency employee processing the application should print the client's name and date of birth. Then, initial the form and print the transaction date.

Completed Voter Registration Preference forms should be transmitted to the appropriate county board of elections office in the same timely manner as Voter Registration applications; unless there has been a written agreement between the State Board office and the agency allowing the agency to keep the Voter Registration Preference forms under certain terms and conditions.

C. Client is not registered and wishes to complete an application to register

After the client fills out a Voter Registration Preference form indicating a desire to complete a voter registration application, provide the client with the voter registration application or direct the client to the voter registration application in their packet. Agency staff is required to provide the same degree of assistance as would be given for the completion of standard agency forms.

D. Client is not registered, wishes to become registered, but does not wish to complete the form at the agency office

After the client fills out a Voter Registration Preference form indicating they are not registered to vote at their current address and would like to be registered, but does not wish to complete the voter registration application at that time, offer the client the opportunity to take the application home to complete at a later time. The client should be told that the registration application can be returned in **any of three ways**:

- 1) **MAIL** the completed application to the board of elections office in the county where they live,
- 2) **HAND DELIVER** the application to the county board of elections office, or have a third party return it to the county board of elections or the agency office, or
- 3) **RETURN** the application to the agency office for transmittal to the county board of elections office.

There is a place on the Voter Registration Preference form for a client to mark showing s/he chose not to register at the agency at that time but wished to take a voter registration application to complete at a later date.

E. Client is registered, but needs to update a name, address and/or party affiliation

After the client fills out a Voter Registration Preference form indicating they are registered to vote, but needs to update their information, s/he may use the voter registration application to change any or all of the following: name, physical address, mailing address (if different), and party affiliation. If the client is updating an address or a name, Section 8 of the Voter Registration application should be completed with the old information. Completing Section 8 should be in addition to all other sections of the Voter Registration application.

Each time a client moves and notifies the agency of a change of address, agency employees are required to offer the opportunity to complete a change of address for voter registration.

F. Client is already registered

After the client fills out a Voter Registration Preference form indicating they are already registered to vote at their current address, inform the client that their response on the Voter Registration Preference form, will not prohibit voter registration at a later date or changes to existing registrations. In completing the Voter Registration Preference form, make sure that the client checks the box that indicates they are already registered to vote.

G. Client is not registered and does not wish to register at this time

After the client fills out a Voter Registration Preference form indicating they are registered to vote, and declines when offered the opportunity to complete the application to register, please reassure the client that applying to register to vote or declining to register to vote will have no effect on the services or benefits provided to them by the agency. Also reassure the client that the Voter Registration Preference form is used only for voter registration purposes, and serves to protect the client from any coercion.

COMPLETING THE AGENCY VOTER REGISTRATION APPLICATION/UPDATE FORM

Sections from the most current voter registration application (approved April 2006) are set out below. It is still permissible to use voter registration applications marked as "1/04" in the upper right hand corner. These "1/04" applications are 81/2" by 14" as opposed to the newer 81/2" by 11" applications.

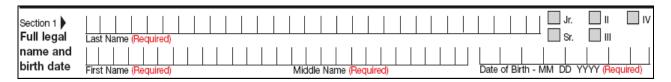
Agency employees should use the information below to familiarize themselves with the voter registration application. Doing so, will make it easier to assist clients who request help completing the application and shorten the time it takes to complete the voter registration transaction. Individual sections which that ask for required information are marked (**REQUIRED**)

Yes/No Questions - Voter Attestation (REQUIRED)

North Carolina Voter Registration Application/Update Form
O1 Print Information and Sign Below
I Attest, Under Penalty of Perjury, that, Required: (Answer YES or NO to the following questions.)
YES NO (Check YES or NO)
I am a United States citizen.
I am 18 years old, or older, or will be by general election day.
I have been a resident at this address for 30 days or more. If less than 30 days, I moved here on(date).
☐ I will not vote in any other county or state after submission of this form. If I am registered elsewhere, I am canceling
that registration at this time.
If I have been convicted of a felony, my rights of citizenship have been restored.
If you checked "NO" in response to any of these questions, DO NOT COMPLETE THIS FORM

Each of these questions should be answered. If a client cannot truthfully answer in the affirmative, they should not complete the application. Specific inquires about any of the questions above should be directed to the county board of elections office. This is especially true as to questions as to citizenship and felony convictions, where a client may suffer legal consequences if those questions are not truthfully answered.

Section 1 – Full Legal Name & Date of Birth (REQUIRED)



Each client should provide their full legal name. Nicknames or shortened forms of their legal name should not be used. The name provided in this section will be the name used for all voter registration records and activities, including voting, whether by absentee or in person.

Section 2 – Personal Identification Number (REQUIRED)

Section 2 Personal	Do you have a NC driver's license or NC identification card? Yes No	NC Driver License or Identification Number
Identification Number	Do you have a U.S. issued Social Security Number?	Social Security Number (Last Four Digits Are Required)
(Required)	Have you been assigned a NC State Voter Number (NCVID)? Yes No	NC State Voter Registration Number (NCVID)

If the client has no personal identification number and answers "no" to all three questions, the voter registration application should still be submitted and the Board of Elections will assign a NC State Voter Number upon receipt. At least one of the three options must be provided. With regards to using the Social

Security number, only the last four digits are required, please do not place the full social security number on the form. The *NC Voter ID Number* can be found on the client's voter registration card if they are already registered to vote.

registered to v	ote.	
Section 3 – R	esidence Address (REQUIRED)	
Section 3		Map/Diagram
Residence Address (Required)	Street Address where you live - No P.O. Boxes or Rural Roads Apt/Unit	If you do not have a street address, draw a map of where you reside. Please include roads and landmarks.
(***,	City	
	Phone (Optional) Have you lived here for 30 days or more? Yes If no, date moved No	
address assign those can be u may draw a m	hysical address should be provided in this section. In most couned to their home. Please do not use PO Box numbers or rural sed in the mailing address section below. If the client does not ap or diagram outlining major landmarks or roads near their haddress is the place where they sleep or spend the majority or	al route address in this section; ot have a street address, they ome. For a homeless person,

Section 4 – Mailing Address (REQUIRED ONLY IF DIFFERENT FROM PHYSICAL ADDRESS) Section 4 Mailing Address where you get your mail (if different from your residence address.) Apt/Unit City State ZiP Code

This section should only be completed if the client's mailing address is different from the physical address. If mail is received via a PO Box, that information should be recorded here. A homeless person's mailing address may be a PO Box, a local shelter, a church, or any other location where the person receives mail. For voters to receive mail from an elections office at an address other than their listed residence address, this mailing address section must be completed.

Section 5 – Gender / Section 6 – Race/Ethnicity / Section 7 – Political Party Affiliation			
	Section 5 Female Gender Male	Section 6 Race/Ethnicity American Indian/ Asian Black/African Other Alaska Native White Two or More Races	Section 7 Political Party Affiliation Democratic Republican Unaffiliated Other

The above information is not required in order to register to vote. New registrants who do not indicate a party affiliation will be registered as unaffiliated. Clients who are already registered and do not check a party affiliation will not have their existing affiliation changed.

Section 8 – Name & address used for your last voter registration (REQUIRED ONLY IF PREVIOUSLY REGISTERED)

Section 8 Name and		
address used for your last	Last Name used in Previous Registration First Name	
voter registration if applicable	Previous Address State ZIP Code	
аррисаште	Previous City Previous County	

If the client has changed their name or address, this section should be completed. Providing this information will prevent duplicate registrations.

Signa	iture (REQUIRED)		
	Signature (Required) I HAVE READ AND UNDERSTAND THE CONTENTS OF THIS FORM WARNING: If you sign this card and know it to be false, you can be of the total of the	Date convicted of a Class I felony	STATE OF THE STATE

The signature of the voter is required for all transactions covered by this form. This includes initial registrations, as well as address, name and/or party affiliation changes.

TIPS FOR COMPLETING A VOTER REGISTRATION TRANSACTION

- 1. If any of the required information is left blank, the application still must be turned in within five business days. The county board of elections will contact the voter and collect any missing information.
- 2. The law requires that assistance in completing the forms be offered; however, it is solely the client's decision whether or not to accept that help.
- 3. When completing voter registration applications, it is important to print clearly. Most counties use image scanners to handle data entry. Clearly printing all information will ensure that voter information is accurately recorded.
- 4. Under North Carolina voter registration laws, **mental incompetence** is not a basis for exclusion of a client for purposes of voter registration. However, persons deemed to be mentally incompetent may require special consideration. For further information regarding special provisions for dealing with mentally incompetent clients, please refer to Attachment D in this manual.
- 5. North Carolina allows a 17 year old to register and vote in primaries if the person will be 18 years old by the general election. If you have 17-year-old clients who meet this qualification and wish to complete a voter registration application, they may do so. These forms should be sent to the county board of elections for processing.

SITE COORDINATOR-DUTIES & RESPONSIBILITIES

In order to facilitate the continued success and the future growth of the Agency Voter Registration Program, each site providing voter registration services shall designate a Site Coordinator. Subject to mutual approval of the agency and the State Board of Elections, an agency may use a district or county coordinator in lieu of a Site Coordinator.

The Site Coordinator will have the following responsibilities:

- 1. Maintain adequate supplies, including:
 - properly coded Agency Voter Registration applications,
 - Agency Voter Registration Preference Forms,
 - Voter Registration/Preference Transmittal forms, and
 - training materials including the NATIONAL VOTER REGISTRATION ACT AGENCY VOTER REGISTRATION TRAINING MANUAL & GUIDE and others that may be available in the future.
- Train new or reassigned employees in the voter registration process. (Contact the county board of elections or the State Board of Elections at 866-522-4723 for assistance)
- 3. Resolve site questions and problems relating to the voter registration process. (Contact the county board of elections or State Board of Elections office 866-522-4723 for assistance.)
- 4. Monitor the day-to-day administration of the program.
- 5. Ensure the timely and accurate transmittal of completed Voter Registration applications and Voter Registration Preference forms to the county board of elections within 5 business days of completion by client.
- Regularly communicate with local and state election officials to ensure that materials
 are current and to report weekly to the State Board of Elections numbers of Voter
 Registration applications and Voter Registration Preference forms sent to county
 board of elections offices.
- 7. Serve as the contact person on voter registration matters for state or county boards of elections and their staff.

To order supplies

Use the North Carolina Voter Registration Materials Order Form found at http://www.app.sboe.state.nc.us/pdf/orderfrm_2000.pdf. This form can also be requested by calling 1-866-522-4723. Complete in full, including Site Coordinator's name, agency name and shipping address, the quantity and item needed. Remember, if your agency uses a certain numbered type of voter registration form (such as 01 or 03) note the type of voter registration form needed. This form can be sent using any of the following methods:

- By faxing to the State Board office at 919-715-0135 or the respective county board office
- By email elections.sboe@ncmail.net, or
- By mail NC State Board of Elections, PO Box 27255, Raleigh, NC 27611-7255

Training

All new or reassigned employees should be provided a current manual and training opportunity on the voter registration procedures implemented at the agency location. To obtain copies of the training manual, please contact the State Board of Elections at 1-866-522-4723. Electronic copies are also available on the State Board of Elections website www.sboe.state.nc.us. Multiple copies may be downloaded free of charge.

Resolving questions and problems

Most questions can be easily handled on site, by referring to the *National Voter Registration Act Agency Voter Registration Training Manual & Guide.* If additional assistance is needed, please

contact the county board of elections office. You may also contact the State Board of Elections at 1-866-522-4723.

Monitor administration

The Site Coordinator is responsible for supervising the daily voter registration activities at the location. The Site Coordinator should actively participate in the program, communicating clearly with all employees conducting voter registration activities.

Transmittal

All Voter Registration applications and Voter Registration Preference forms must be submitted to the county board of elections of a client's residence, within five business days. This also includes any applications used to update an existing registration. Use the transmittal form provided (Attachment B) to send counts of clients that have registered or filled out a Voter Registration Preference form along with the actual Voter Registration applications and Voter Registration preference forms to the county board of elections of the county where the clients reside. If an agency services clients from multiple counties, transmittal reports with the required attached applications and/or forms must be sent to each county board of elections where the clients served voter registration services by the agency reside.

Transmittal to the State Board of Elections

Effective February 9th, 2009, the prior required weekly email report or a web based report to the State Board of Elections of the number of Voter Registration applications and Voter Registration Preference forms executed by clients and sent to the county board of elections is no longer required. HOWEVER, THIS MAKES THE REQUIRED WEEKLY REPORT TO THE COUNTY BOARD OF ELECTIONS, AS SET OUT ABOVE, EVEN MORE IMPORTANT. THIS WEEKLY REPORTING TO THE COUNTY BOARD OF ELECTIONS CONTINUES AS IS.

TRACKING & TRANSMITTING VOTER REGISTRATION MATERIALS

One of the most important parts of the agency voter registration program is the timely delivery of voter registration materials to the appropriate county board office. Timely delivery will ensure that all individuals are properly registered for all elections and insuring that the integrity of elections are protected.

Transmitting Materials

All completed Voter Registration applications and Voter Registration Preference forms should be transmitted within 5 business days to the respective county board of elections office. Please adhere to the following procedure when transmitting materials:

- All materials should be placed in a sealed envelope. While most voter information is
 public, information such as date of birth and social security numbers are not and should
 be kept from public view. Please use an envelope that will allow materials to be
 transmitted without folding or bending.
- In addition to voter registration materials, please enclose or attach the Voter Registration Materials Transmittal Form and note the number clients served, the total number of Voter Registration applications, and the total number of Voter Registration Preference forms. A sample of the Transmittal Form is included in the attachments.
- For each election in NC, voter registration books close 25 days prior to the election.
 When transmitting materials near this deadline, all eligible applications should be
 transmitted as soon as possible as most county board offices are inundated with voter
 registration applications at this time. Applications completed in your office on the 25th
 day prior to the election are considered timely and should be delivered promptly.

Tracking Voter Registration Applications & Preference forms

Transmittal to the State Board of Elections

Effective February 9th, 2009, the prior requirement of a weekly email report or a web based report to the State Board of Elections of the number of Voter Registration applications and Voter Registration Preference forms executed by clients and sent to the county board of elections is no longer in effect. HOWEVER, THIS MAKES THE REQUIRED WEEKLY REPORT TO THE COUNTY BOARD OF ELECTIONS, AS SET OUT ABOVE, EVEN MORE IMPORTANT. THIS WEEKLY REPORTING TO THE COUNTY ELECTIONS OFFICE CONTINUES AS IS.

FREQUENTLY ASKED QUESTIONS

1. Do the county boards of elections cancel the previous registration if an applicant was registered in another county or state?

Yes. The law requires that the county board of elections, upon approval of an application to register, cancel any previous registration of that applicant.

2. Where are Voter Registration Preference forms filed and for how long?

Voter Registration Preference forms are kept on file at the county board of elections for a period covering two list maintenance periods, approximately 24 months. There are limited situations where Voter Registration Preference forms may be kept by an agency where such arrangement is mutually approved by the agency and the State Board of Elections.

3. Can the State Board of Elections provide the agency voter registration offices with a list of all county board of elections offices?

A current roster of county board offices, including the Director's name, mailing address, phone number and fax number can be found on the State Board of Elections website (www.sboe.state.nc.us).

4. If the county board of elections needs additional information before processing an a voter registration application, will the elections officials contact the client or the agency?

In most cases, the contact will be with the client. There may be some individual situations that would necessitate the board of elections staff contacting the agency; however, this type of contact will be kept at an absolute minimum.

5. Why does North Carolina now have so many different registration applications; and, with a code number identifying the location from which the form came? How can we ensure agency clients their privacy will be protected?

North Carolina now uses nine different registration applications: Three separate agency registration applications, Military recruitment office applications, a Drivers' License registration application, a Mail-In application, an In-Person/Voter Registration Drive application, Libraries and High School applications and a Spanish language application. Each application serves a different purpose. The coding on the various registration applications is used by elections officials to comply with reporting requirements set by the NVRA. This code in no way directly links the applicant to a specific agency or office, but is a means of reporting aggregated voter registration applications received from or generated by different agencies.

6. Will clients who complete voter registration applications be contacted regarding their applications; and, will these new voters know where to vote?

The county board of elections that receives the application will send a verification notice to the client, informing them of their assigned precinct and voting place. Clients can always contact the county board office if they have any questions or to correct information.

7. If an agency accepts applications for service and changes of addresses by other methods, other than in-person, how do we process that client for purposes of voter registration?

Because the law requires that we have a signed application or statement by the voter before we proceed with a voter registration or changes of information, the agency client will need to make application or change for voter registration whenever the client is physically present. Whoever handles applications for service and changes of address other than in-person, should send a voter registration packet in the mail to the client. A client may not register to vote or change a voter registration name or address unless they personally sign the voter registration application. If changes are made by mail and if a voter packet is sent along with documents for updating, for example, an address, the voter registration application and a Voter Registration Preference form should be sent in the voter packet.

POLITICAL ACTIVITY:

1. Will the political activity of agency voter registration personnel be limited?

Political activity conducted outside of the agency office will not be limited; however, the law specifically prohibits agency voter registration personnel from seeking to influence a client's selection of political party affiliation. This includes the display of any political preference or party allegiance. In other words, agency voter registration personnel should refrain from displaying campaign bumper stickers, wearing campaign or party buttons or pins, etc., during office hours or while serving as an agency voter registration employee. These legal prohibitions are outlined in NCGS §163-82.20(e) (1) & (2) and are included in the Attachment G.

2. What is the penalty associated with violation of the prohibition against influencing a party choice?

There is no direct penalty provided by North Carolina law; however, the NVRA does make it a criminal offense to intimidate or attempt to intimidate a person who is completing a voter registration transaction. Should the State Board office receive information that a violation of this sort may be occurring, we will investigate. If the investigation produces results that affirm the alleged violation, evidence will be turned over to the appropriate authorities.

3. What can be said to a client who wishes to know what the different parties stand for?

The best response in this case would be to refer the client to the political parties for information. Let the client know if they would like to register at the present time to vote as an unaffiliated or with a party, that party affiliation can be changed at a later date. Never indicate a preference or make any assumptions.

4. If an agency registration employee reads the application to an illiterate client, and assists that client in completing the application, should the employee also complete the party affiliation portion? If yes, what would be the procedure if the client refuses to give a party affiliation?

The agency employee should inform the client of the opportunity to choose a party affiliation. If the client refuses to choose a party affiliation, the employee should inform the client that leaving the space blank will cause the county board of elections to record

the party affiliation as "unaffiliated" on the applicant's official voter registration record. Again, remind the client they are free to change party affiliation after registering with you.

5. Do political parties allow unaffiliated voters to vote in party primaries?

By law, a recognized political party may allow unaffiliated voters to vote in that party's primaries. Because a party's choice in this matter is subject to change, it is best to call the board of elections if an applicant has a question about a specific party. As of 2006, all recognized parties in NC allow unaffiliated voters to participate in party primaries, a position that has been consistent by all recognized political parties since the 1990's.

DETERMINING VOTER ELIGIBILITY:

1. Who is responsible for determining the eligibility of a person to register to vote?

It is the responsibility of the county boards of elections, and not agency personnel, to determine the eligibility of clients to register and vote in North Carolina. If agency registration staff questions the eligibility of a particular client, the best procedure would be to allow the client to complete the Voter Registration application and then transmit the application to the proper county board of elections. The county board of elections will utilize all available resources to verify the information on the application and to correctly determine eligibility.

2. If a client is unsure about registration qualifications or eligibility to register, should a voter registration application be completed?

This situation may arise when a client is unsure about their citizenship status or restoration of citizenship rights. It is a felony to register to vote if you are not an American citizen or an active felon whose citizenship has not been restored. In such a situation, the client will need to proceed with caution. Agency personnel should not assist the client to complete the application inaccurately, if agency personnel are aware the information is untrue. If there is no way to ascertain the missing information, the client should not complete the voter registration application because the client attests to the accuracy of the information under penalty of perjury. Instead, the client should decline to complete the voter registration application until they are certain about the requested information. Although the client should not register at the agency, the client may be given the application to complete at home if they so desire.

3. Once a person is registered to vote, is there a need to re-register at any time?

A voter's registration is permanent unless the voter, as determined by a county board of elections:

- 1. requests in writing to be removed from the active registration list,
- 2. fails to respond to confirmation procedures as outlined in NCGS §163-82.14(d)(2),
- 3. dies, or
- 4. is convicted of a felony.

If a person moves into a new county, they must cancel any previous registration and submit an application to register in the new county. A client may accomplish both by completing the relevant information on the voter registration application. If a person moves to another address in the same county they must update the residential address, but do not have to re-register.

4. Can migrant workers register to vote in their current county of employment?

Any person meeting the qualifications to register and vote as outlined in NCGS §163-55 and §163-57 can register to vote. (See Attachment G) Remember that the county board of elections will determine whether an applicant meets those qualifications. However, agency personnel should not assist the client to complete the application inaccurately, if agency personnel are aware the information is untrue. So, if the migrant worker has told the agency employee they are not a citizen, the agency should not aid in preparing and submitting the voter registration application.

5. Are agency registration employees required to offer the voter registration opportunity to clients under the age of 18?

Yes. The county board of elections is the office responsible for determining the eligibility and qualifications of voter registration applicants. For clients under the age of 18, the county board of elections will either deny the registration or hold it, if the client is seventeen, until such time as the person would be qualified by age to register and vote in the State. Individuals, who will be 18 by the next general election, are eligible to vote in that election's primary at the age of 17.

6. Can homeless persons register to vote?

Yes. For homeless persons the residence address would be defined as the place where they sleep or spend the majority of their time. In addition, an elections office must have a mailing address to which they can send mail to the person. This can be a Post Office box, a local shelter, church, etc., or any place else where the person receives mail. Therefore, the homeless client may need to fill out the mailing address section of the voter registration application.

7. There has been a lot of attention in the press regarding illegal aliens and access to government services. What prevents non-citizens from registering to vote? Can agencies be held liable if a non-citizen falsely registers at our office?

Only individuals who are citizens of the United States are eligible to register to vote. Legal residents holding "green cards" or persons holding visas allowing them to reside in the United States are not citizens and may not register to vote. The voter registration application requires that each person registering to vote affirms citizenship once by checking a box and another time by attestation. Falsely answering the citizenship question is a felony, can be grounds for immediate deportation, and will forever bar the client from ever becoming an American citizen. If it is determined that a non-citizen has registered to vote and subsequently is not eligible to vote, the registration will be cancelled and the individual reported to the U.S. or District Attorney. Agency staff, unless knowingly aiding the non-citizen in providing false information on the voter registration application, cannot be held liable for any person who falsely completes a voter registration application. Agency staff should notify the county elections office if they believe a person has deliberately completed a registration application with false information.

8. Should the voter registration service be offered to inmates of the county jail brought to mental health offices for review?

If an inmate is considered a client of the mental health office, s/he should be offered the opportunity to register to vote. If s/he has been convicted of a felony and has not had citizenship rights restored, which would deprive the inmate of the right to vote, that fact

will be revealed when s/he answers Question 1 on the voter registration application and the inmate should not complete the application. As stated earlier, however, **agency personnel should not make eligibility determinations.**

DISABLED VOTERS:

1. Are voting places and voting machines accessible to voters with disabilities?

Under federal law both voting places and voting machine systems must be accessible for the disabled. Clients who have concerns should contact the county board of elections as to voting accessibility issues.

2. Please advise agency personnel how to register a visually impaired person.

The law requires that agency staff provide the same degree of assistance during the voter registration process as would be provided during the completion of standard agency forms and applications. In the case of visually impaired clients, we recommend that the agency employee complete the application for the client (writing the answers provided by the client) and assist the client in making a mark in the signature block. The agency employee should sign or initial the application in the vicinity of the mark, and enter that day's date. Rulers or other items with a defined straight edge can be used to identify the signature area of the application for clients with limited vision and thus allow them to sign or mark the application.

3. Should agency employees offer voter registration to clients regardless of mental or intellectual capacity?

Yes. North Carolina law does not make mental competency or intellectual capacity a qualification for citizens to register to vote.

4. If an agency client is unable to sign the application, what procedure is necessary?

In North Carolina, an applicant's mark is considered as good as a signature. We recommend that if a client is unable to sign the document, the client should make some mark in the signature block (an "X" is sufficient). The agency employee should then initial or sign in the vicinity of the mark, and date the application. If the client cannot make a mark, the employee may sign for the client provided that the client has given verbal permission and the client touches the pen as his or her name is written. The agency employee should document that this method was used.

5. What address is required for agency clients that live in group homes or hospitals?

Registration officials need a residence address to process a voter registration application. They also need a mailing address if it is different than the residence address. In cases where giving the residence address may violate a client's right to privacy, we suggest using a street address with no identifier (for example, leave off the hospital or group home name). If this solution is not satisfactory to the client or the agency, contact the county board of elections to discuss other options. See Attachment D as to further information as to clients served by DMNDDSBS.

6. Is assistance provided at the voting place for disabled voters?

Yes. Even though there are accessible voting machines for voters with disabilities located at every North Carolina voting location, the disabled voter has the option of

requesting assistance. A voter needing assistance must make a request for assistance to the chief judge at the voting place. Qualified voters are entitled to assistance getting to and from the voting booth and marking a ballot. A voter may receive assistance from a near relative or other person of the voter's choice (other than the voter's employer, an agent of the voter's employer, or an officer or agent of the voter's union). Another option for disabled or elderly voters is curbside voting. NCGS §163-166.9 allows qualified voters who are able to travel to the voting place, but because of age or physical disability cannot enter the voting enclosure, to mark a ballot from the vehicle.

AGENCY REQUIREMENTS:

1. Will agency voter registration offices be periodically audited or monitored for correct conduct of the voter registration program?

Election offices will conduct random unannounced checks to ensure the integrity of the agency registration program. We generally rely upon information received from the public to determine if possible misconduct exists. Failure to offer the voter registration service to all clients is a violation of NVRA and state law. If we have reason to believe that registration officials are engaged in practices that violate voter registration laws, the State Board of Elections will investigate. Agencies should refer to attachment C at the end of this manual for a list of prohibitions regarding the administration of the voter registration program.

2. Do agency registration personnel need to take an oath before performing voter registration functions?

No.

3. Does the agency voter registration program intend to include the parents and caretakers of clients, or only to adult participants?

It depends on the clients served. For example, in the case of the WIC program, the mother of the infant child receiving the benefits, should be offered the voter registration service provided the individual meets all qualifications, including a Voter Registration Preference form and a voter registration application. Also, any legal guardian accompanying the client should be offered the services. If the client receiving the benefits requests that other members of the family be registered also, additional voter registration applications may be given to take home to those family members. If the client receiving the benefits is represented by another person (guardian, power of attorney, etc.), this should be noted on the Voter Registration Preference form and the representative should be given a voter registration application to take to the client. The representative or legal guardian cannot register for the client. The agency employee is not required to provide the voter registration service to the representative, but the representative may be given a voter registration application to fill out at home. The representative may also referred to the local county board of elections.

4. Must agencies offer the voter registration service at times other than application, and recertification, renewal, or notice of change of address?

No. The law requires contained in NCGS §163-82.20(b)(1) states that agency registration personnel to will offer the voter registration services opportunity only during original applications for service or benefits, and with each recertification, renewal or change of address.

5. Beyond the Voter Registration Preference form required from all clients, what documentation is required of those clients who take voter registration applications home?

If a client chooses to take an application out of the agency office, it is no longer the responsibility of the agency office to transmit that application, unless the client brings the completed application back to the agency at the next visit. As with all clients, a Voter Registration Preference form should be completed at the agency office.

6. If an agency client wishes to take the voter registration application home, who pays the postage to have it mailed back to the county board of elections?

If the client mails the application to the county board of elections, the client must pay the postage. Clients may also hand-deliver the application to the county board office or return it to the agency office for transmittal to the county board office.

7. Do agency offices serving more than one county register voters for each of those counties?

Yes. The completed voter registration applications and Voter Registration Preference forms would then be transmitted to the appropriate county board of elections.

8. How do agency employees proceed if the client does not know his/her voter registration status?

In this situation, agency employees have three options:

- 1) Call the county board of elections to determine if the client is already registered, or 2) If the agency has access to the Internet, check the statewide voter registration database located on the State Board of Elections website (www.sboe.state.nc.us), or 3) Complete a voter registration application and send to the county board of elections office, where the county board staff will process it according to correct procedures.
- 9. How do agency offices comply with the five-day transmittal deadline if the client takes the voter registration application home and brings it back at a later date?

The five-day deadline is counted from the date the completed application is received by the agency office.

10. If a client informs agency personnel that they will be moving to another county in the State but the client has not yet moved, is the agency office responsible for any paperwork associated with this move?

No. When the actual move occurs, an agency office in the county where the client is moving would complete the registration transaction (cancellation of the old registration and a new application to register in the new county) if the clients seeks services in the new county. The client is also free to handle the registration transaction themselves if they wish.

11. Are agency voter registration employees required to give an oath to clients who complete an application to register to vote?

No.

12. Some agency clients may refuse to complete the Voter Registration Preference form. How should the agency employee handle this situation?

When the visit with the client is completed, simply enter the client's name and date of birth, then sign and date the form. Transmit the form to the county board of elections along with other completed Voter Registration Preference forms and applications. If the client complains about being asked to fill out a Voter Registration Preference form, you are free to tell them it is required by the NVRA, but that law will not force them to sign the Voter Registration Preference form. You will sign it on their behalf.

13. If the agency employee prints the client's name and date of birth, initials the form and transmits it to the county board of elections, would this action not violate the client's right to privacy?

No. The Federal law requires that we maintain signed Voter Registration Preference forms for every agency client choosing not to register to vote. The Voter Registration Preference form serves two purposes: (1) It ensures elections officials that agency clients are not being coerced or influenced to register to voter, and (2) it allows elections officials to trace registration actions should the client appear on Election Day and seek to vote. The forms also allow the State Board of Elections to ensure that agencies are in compliance with the law. The Voter Registration Preference form, once received by the county board of elections, is confidential, and cannot be traced to a particular agency or office. Furthermore, an individual who refuses to sign the Voter Registration Preference form is considered to have declined to register to vote. See statement four on the Voter Registration Preference form which reads: "If I do not sign this form or complete a voter registration application, I will be considered to have decided not to register to vote at this time".

14. What is the procedure for clients who are unable to complete a voter registration transaction at the time of initial application for services or admission?

In rare cases such as this, the agency staff must use some discretion in determining if the client is able to complete a voter registration transaction (this includes mental deficiency, intoxication, for example etc.). The voter registration service may be postponed until a later date. Agency staff should fill out a Voter Registration Preference form noting the name and DOB of the client and write a short explanation on the Voter Registration Preference form.

15. Who should agency personnel contact if it is believed an applicant is providing false information?

The county board of elections where the agency is located.

16. Is identification required before registering at the agency office?

No. Current voter registration laws do not require any type of identification at the time of "in-person" registration at an agency or at the county or State Board of Elections; however, the Help America Vote Act of 2002 (HAVA) does requires of all voter registration applicants to provide either a drivers license number, at least the last four digits of their social security number, or an applicant's state assigned voter ID number. If the client has no driver's license or social security number, and has not been assigned a North Carolina Voter ID number, the completed voter registration application should be transmitted as is. Upon receipt, the client will be assigned a Voter ID number and will be

registered. If any further information is required to complete the registration, the county board of elections office will contact the voter if further ID is needed.

17. If a client has declined to register once, are agency employees required to offer the opportunity to register to vote at subsequent visits?

Yes. Regardless of past refusals to register, agency personnel must provide voter registration services to clients at each application for service or benefits, and with each recertification, renewal or change of address with respect to such benefits. If the client declines such services, it must be noted on a Voter Registration Preference form. Each time the voter registration service is offered, if the client declines, a signed declination is required.

18. What information is absolutely required on the voter registration application before it can be processed?

For original voter registrations the essential information fields are:

- citizenship status,
- name,
- residence address (If the client's mailing address if different from their residence address, it should be included also),
- date of birth,
- if the applicant has a drivers license number, or the a last four digits of the social security number, or North Carolina Voter ID number, such information must be provided; however, if the applicant has none of the three, the applicant must indicate that fact on the application form, and
- signature.

19. What is the procedure if completed voter registratiom materials are mistakenly lost or discarded?

Without an application, the county board of elections will have no way to process a voter registration transaction. If it is known by an agency that a voter registration application was lost, discarded, or destroyed, the client should be contacted and the agency should aid them in filling out a new voter registration application and promptly transmitting it to the county board of elections.

When the status of a lost or discarded application is not known to either the client or agency, and a client, claiming to have registered at the agency, does not appear on the voter registration rolls at the time of an election, they will be allowed to complete an affidavit stating they had registered at the agency, and vote a provisional ballot. The county board staff will then determine whether to count the provisional ballot based upon research of documentation, including Voter Registration Preference forms sent to it by the agency, as to whether they register at the agency as alleged.

20. Are agency employees required to check voter registration materials for completeness?

If an agency employee assists the client in completing any of the voter registration materials, then yes, the employee should attempt to ensure completion of all required items. If the client completes the materials independently, the county board of elections staff will contact the applicant to request any missing information.

21. Must voter registration agencies transmit completed applications no later than the 25th day before an election in order for the application to be accepted by the board of elections?

No. If the agency office receives the application by the 25-day deadline, it is considered valid for the election. We do request that as the deadlines for voter registration approach, agency offices be very sensitive to timely transmittal of the completed applications. County boards of elections generally receive several times the usual number of applications during the final days of registration.

22. Is the five-day transmittal deadline five calendar days or five business days?

Five business days.

23. Do North Carolina voter registration laws apply to persons living on the Cherokee Reservation?

Yes.

ATTACHMENT A: AGENCY DECLINATION FORM



STATE OF NORTH CAROLINA Voter Registration Preference Form

To Register to Vote You Must:

- 1. Be a citizen of the United States of America
- 2. Be a resident of North Carolina for 30 days before the next election in which you intend to vote
- 3. Be 18 years old by the time of the next election in which you intend to vote
- 4. If you have been convicted of a felony, your rights of citizenship must have been restored. In NC your rights are restored automatically after you are discharged from a felony.
- 5. You must not be registered to vote in any other county or state after submission of a voter registration form. If you register to vote today, any voter registration you have elsewhere will be canceled.

Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.

I,, Print Clearly)	have been offered the opportunity to register to vote by this agency. (Please
If you are not registered to yets where	you live now, would you like to apply to register to vote here today?
	you live now, would you like to apply to register to vote here today?
Please select ONE of the options below:	
□ YES, I would like to apply to registe	er to vote in the here today.
□ YES, I would like to apply to registe	er to vote, but I will take a voter registration application home
to complete at a later time.	
□ NO, I am declining the opportunity for the properties.	to register to vote today.
□ I am ALREADY REGISTERED to v	ote at my current address.
 I would like to update my residentia 	ıl or mailing address.
If you do not check a box, you will be consi	dered to have decided not to register to vote at this time.
I understand that I may request and form. The decision to seek or accept help i	ne opportunity to register to vote at initial application for service or newal or change of address relating to such service or assistance. I receive assistance from this agency in completing the voter registration is mine. I may fill out the application in private. I may fill out the application application form will be a decline to register to vote, the fact that I declined will be used only for
Signature	DOB//
Agency Name	Interviewer Initials and Date

If you believe that someone has interfered with any of your rights listed below, you may file a complaint with Gary Bartlett, North Carolina State Board of Elections, PO Box 27255, Raleigh, NC 27611-7255, or you may call the toll free number 1-866-522-4723.

- your right to register or to decline to register to vote
- · your right to privacy in deciding whether to register
- your right to choose your own political party or other political preference

ATTACHMENT B: NVRA AGENCY TRANSMITTAL FORM

NVRA Agency Voter Registration Program VR Materials Transmittal Form

Please complete the fields below and enclose this form with the materials to be transmitted to the County Board of Elections.

Retain a copy for your records.

Today's Date:	
Forms for Week Ending Date:	
Agency Name	
Agency Representative:	
County:	
Notes:	
CBE County:	
# of Voter Registration Applications Enclosed:	
# of Preference Forms Enclosed:	
Method of Delivery:	☐ In Person ☐ By Mail ☐ Courier ☐ County Mail

ATTACHMENT C: PROHIBITIONS

The law directly prohibits certain actions and behaviors in the administration of voter registration in designated agency offices.

- 1) Agency employees must not attempt to influence a client's decision regarding party affiliation. Agency employees may explain that political parties may require a person to be registered with that political party in order to participate in that party's primary, but a person may register as unaffiliated if he does not wish to be registered with a particular party. Agency employees must not seek to persuade a client to register with a particular party.
- Agency employees serving as voter registration officials must not display any political preference or party affiliation. This includes displaying bumper stickers, pins, posters, etc. endorsing a particular party or candidate.
- 3) Agency employees must not attempt to dissuade a client from completing a voter registration transaction. This includes any statements or actions that would discourage the client from registering to vote or updating their voter registration records.
- 4) Agency employees must not say or do anything that would lead a client to believe that a decision to register or to decline to register will in any way affect the services or benefits provided by the agency.

ATTACHMENT D: SPECIAL INSTRUCTIONS FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES AND SUBSTANCE ABUSE SERVICES OFFICES

The Executive Director of the State Board of Elections has determined that staff falling under the direction of the Division of Mental Health, Developmental Disabilities and Substance Abuse Services and working at designated State Operated Facilities should make the agency voter registration program available to clients, but are not required to actively offer the voter registration service to every client. These designated facilities and centers are:

- 1. Broughton Hospital, Morganton, NC;
- 2. Cherry Hospital, Goldsboro, NC;
- 3. Dorothea Dix Hospital, Raleigh, NC;
- 4. John Umstead Hospital, Butner, NC;
- 5. Black Mountain Center, Black Mountain, NC;
- 6. Caswell Center, Kinston, NC;
- 7. Murdoch Center, Butner, NC;
- 8. O'Berry Center, Goldsboro, NC;
- 9. J. Iverson Riddle Developmental Center, Morganton, NC;
- 10. Julian F. Keith ADATC, Black Mountain, NC;
- 11. R.J. Blackley ADATC, Butner, NC;
- 12. Walter B. Jones ADATC--Greenville, NC; and,
- 13. North Carolina Special Care Center, Wilson, NC.
- 14. The Central Regional Hospital, Butner, N.C.

We suggest that these State Operated Facilities make the voter registration applications available to interested clients, and possibly post a notice informing clients that voter registration transactions may be completed in this location.

ATTACHMENT E: CONTACT US

Name of county election directors, addresses, e-mails, phone and fax numbers for all 100 county boards of elections may be obtained through the State Board of Elections website: www.sboe.state.nc.us

Questions or inquiries for the State Board of Elections can be sent through the following:

By phone: (919) 733-1830

(866) 522-4723

By fax: (919) 715-0135

By mail: PO Box 27255

Raleigh, NC 27611-7255

By email: elections.sboe@ncmail.net

Our office is located at 506 N. Harrington Street, Raleigh, NC 27603

ATTACHMENT F: ORDER FORM FOR VOTER REGISTRATION SUPPLIES



North Carolina Voter Registration Supplies Order Form

NC State Board of Elections, PO Box 27255, Raleigh, NC 27611-7255, (866)522-4723, Fax (919) 715-0135

To ensure that your order is filled correctly please complete all fields. Forms come in boxes of 1000, so please round off your request to the nearest 1000. To order fewer forms, call 1-866-522-4723

Date:		
Contact Name:	Phone:	
	Phone (Alterna	te):
Agency:	Fax:	
	Email:	
Description of Form		Quantity
01- Division of Social Services		
02- Disabilities Services Agencies		
03- Employment Security Commission		
06– Mail-in		
07- In-Person/Voter Registration Drives*		
08- Libraries, High Schools, Institutes of High	er Learning	
09– Español/Spanish		
		Total:
Shipping (Physical) Address:	Mailing Address	s: Same as shipping
Shipping (Physical) Address:	Mailing Address	Same as shipping
Shipping (Physical) Address:	Mailing Address	Same as shipping
Shipping (Physical) Address:	Mailing Address	s: Same as shipping
Shipping (Physical) Address:	Mailing Address	s: Same as shipping
*Under North Carolina law, it is the obligation of any inc	lividual who receives a	completed voter registration application
*Under North Carolina law, it is the obligation of any inc from an applicant who entrusts that individual to submit board of elections office by the 25 th day before an election	lividual who receives a the application for hin	completed voter registration application or her, to submit it to the appropriate
*Under North Carolina law, it is the obligation of any inc from an applicant who entrusts that individual to submit	lividual who receives a the application for hin	completed voter registration application or her, to submit it to the appropriate
*Under North Carolina law, it is the obligation of any inc from an applicant who entrusts that individual to submit board of elections office by the 25 th day before an election Misdemeanor.	lividual who receives a the application for hin on. Failure of that indi	completed voter registration application or her, to submit it to the appropriate vidual to do so may result in a Class 2
*Under North Carolina law, it is the obligation of any inafrom an applicant who entrusts that individual to submit board of elections office by the 25th day before an election Misdemeanor. For Office Use Only Signa	lividual who receives a the application for hin	completed voter registration application or her, to submit it to the appropriate vidual to do so may result in a Class 2
*Under North Carolina law, it is the obligation of any inc from an applicant who entrusts that individual to submit board of elections office by the 25 th day before an election Misdemeanor. For Office Use Only Signature Order Number:	lividual who receives a the application for hin on. Failure of that indi	completed voter registration application or her, to submit it to the appropriate vidual to do so may result in a Class 2
*Under North Carolina law, it is the obligation of any inafrom an applicant who entrusts that individual to submit board of elections office by the 25th day before an election Misdemeanor. For Office Use Only Signa	lividual who receives a the application for hin on. Failure of that indi	completed voter registration application or her, to submit it to the appropriate vidual to do so may result in a Class 2

ATTACHMENT G: NORTH CAROLINA GENERAL STATUTES

§ 163-82.20. Voter registration at other public agencies.

- (a) Voter Registration Agencies. Every office in this State which accepts:
 - (1) Applications for a program of public assistance under Article 2 of Chapter 108A of the General Statutes or under Article 13 of Chapter 130A of the General Statutes;
 - (2) Applications for State-funded State or local government programs primarily engaged in providing services to persons with disabilities, with such office designated by the State Board of Elections; or
 - (3) Claims for benefits under Chapter 96 of the General Statutes, the Employment Security Law,

is designated as a voter registration agency for purposes of this section.

- (b) Duties of Voter Registration Agencies. A voter registration agency described in subsection (a) of this section shall, unless the applicant declines, in writing, to register to vote:
 - (1) Distribute with each application for service or assistance, and with each recertification, renewal, or change of address relating to such service or assistance:
 - a. The voter registration application form described in G.S. 163-82.3(a) or (b); or
 - b. The voter registration agency's own form, if it is substantially equivalent to the form described in G.S. 163-82.3(a) or (b) and has been approved by the State Board of Elections, provided that the agency's own form may be a detachable part of the agency's paper application or may be a paperless computer process, as long as the applicant is required to sign an attestation as part of the application to register.
 - (2) Provide a form that contains the elements required by section 7(a) (6) (B) of the National Voter Registration Act; and
 - (3) Provide to each applicant who does not decline to register to vote the same degree of assistance with regard to the completion of the registration application as is provided by the office with regard to the completion of its own forms.
- (c) Provided that voter registration agencies designated under subdivision (a)(3) of this section shall only be required to provide the services set out in this subsection to applicants for new claims, reopened claims, and changes of address under Chapter 96 of the General Statutes, the Employment Security Law.
- (d) Home Registration for Disabled. If a voter registration agency provides services to a person with disability at the person's home, the voter registration agency shall provide the services described in subsection (b) of this section at the person's home.
- (e) Prohibitions. Any person providing any service under subsection (b) of this section shall not:
 - (1) Seek to influence an applicant's political preference or party registration, except that this shall not be construed to prevent the notice provided by G.S. 163-82.4(c) to be given if the applicant refuses to declare his party affiliation;
 - (2) Display any such political preference or party allegiance;
 - (3) Make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote; or

- (4) Make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits.
- (f) Confidentiality of Declination to Register. No information relating to a declination to register to vote in connection with an application made at a voter registration agency may be used for any purpose other than voter registration.
- (g) Transmittal From Agency to Board of Elections. Any voter registration application completed at a voter registration agency shall be accepted by that agency in lieu of the applicant's mailing the application. Any such application so received shall be transmitted to the appropriate board of elections not later than five business days after acceptance, according to rules which shall be promulgated by the State Board of Elections.
- (h) Twenty-Five-Day Deadline for an Election. Applications to register accepted by a voter registration agency shall entitle a registrant to vote in any primary, general, or special election unless the registrant shall have made application later than the twenty-fifth calendar day immediately preceding such primary, general, or special election, provided that nothing shall prohibit voter registration agencies from continuing to accept applications during that period.
- (i) Ineligible Applications Prohibited. No person shall make application to register to vote under this section if that person is ineligible to vote on account of age, citizenship, lack of residence for the period of time provided by law, or because of conviction of a felony. (1993 (Reg. Sess., 1994), c. 762, s. 2; 1995, c. 507, s. 25.10(c); 1995 (Reg. Sess., 1996), c. 608, s. 1.)

SUBCHAPTER III. QUALIFYING TO VOTE.

Article 6.

Qualifications of Voters.

§ 163-54. Registration a prerequisite to voting.

Only such persons as are legally registered shall be entitled to vote in any primary or election held under this Chapter. (1901, c. 89, s. 12; Rev., s. 4317; C. S., s. 5938; 1967, c. 775, s. 1.)

§ 163-55. Qualifications to vote; exclusion from electoral franchise.

(a) Residence Period for State Elections. – Every person born in the United States, and every person who has been naturalized, and who shall have resided in the State of North Carolina and in the precinct, ward, or other election district in which the person offers to vote for 30 days next preceding an election, shall, if otherwise qualified as prescribed in this Chapter, be qualified to vote in any election held in this State. Removal from one precinct, ward, or other election district to another in this State shall not operate to deprive any person of the right to vote in the precinct, ward, or other election district from which he has removed until 30 days after the person's removal.

Except as provided in G.S. 163-59, the following classes of persons shall not be allowed to vote in this State:

- (1) Persons under 18 years of age.
- (2) Any person adjudged guilty of a felony against this State or the United States, or adjudged guilty of a felony in another state that also would be a felony if it had been committed in this State, unless that person shall be first restored to the rights of citizenship in the manner prescribed by law.

(b) Precincts and Election Districts. – For purposes of qualification to vote in an election, a person's residence in a precinct, ward, or election district shall be determined in accordance with G.S. 163-57. When an election district encompasses more than one precinct, then for purposes of those offices to be elected from that election district a person shall also be deemed to be resident in the election district which includes the precinct in which that person resides. An election district may include a portion of a county, an entire county, a portion of the State, or the entire State. When a precinct has been divided among two or more election districts for purposes of elections to certain offices, then with respect to elections to those offices a person shall be deemed to be resident in only that election district which includes the area of the precinct in which that person resides. Qualification to vote in referenda shall be treated the same as qualification for elections to fill offices. (19th amendt. U.S. Const.; amendt. State Const., 1920; 1901, c. 89, ss. 14, 15; Rev., ss. 4315, 4316; C.S., ss. 5936, 5937; Ex. Sess. 1920, c. 18, s. 1; 1933, c. 165, s. 4; 1945, c. 758, s. 7; 1955, c. 871, s. 2; 1967, c. 775, s. 1; 1971, c. 1231, s. 1; 1973, c. 793, s. 18; 2005-2, s. 2.)

§ 163-56. Repealed by Session Laws 1973, c. 793, s. 19.

§ 163-57. Residence defined for registration and voting.

All election officials in determining the residence of a person offering to register or vote, shall be governed by the following rules, so far as they may apply:

- (1) That place shall be considered the residence of a person in which that person's habitation is fixed, and to which, whenever that person is absent, that person has the intention of returning.
 - a. In the event that a person's habitation is divided by a State, county, municipal, precinct, ward, or other election district, then the location of the bedroom or usual sleeping area for that person with respect to the location of the boundary line at issue shall be controlling as the residency of that person.
 - b. If the person disputes the determination of residency, the person may request a hearing before the county board of elections making the determination of residency. The procedures for notice of hearing and the conduct of the hearing shall be as provided in G.S. 163-86. The presentation of an accurate and current determination of a person's residence and the boundary line at issue by map or other means available shall constitute prima facie evidence of the geographic location of the residence of that person.
 - c. In the event that a person's residence is not a traditional residence associated with real property, then the location of the usual sleeping area for that person shall be controlling as to the residency of that person. Residence shall be broadly construed to provide all persons with the opportunity to register and to vote, including stating a mailing address different from residence address.
- (2) A person shall not be considered to have lost that person's residence if that person leaves home and goes into another state, county, municipality, precinct, ward, or other election district of this State, for temporary purposes only, with the intention of returning.
- (3) A person shall not be considered to have gained a residence in any county, municipality, precinct, ward, or other election district of this State, into which that

- person comes for temporary purposes only, without the intention of making that county, municipality, precinct, ward, or other election district a permanent place of abode.
- (4) If a person removes to another state or county, municipality, precinct, ward, or other election district within this State, with the intention of making that state, county, municipality, precinct, ward, or other election district a permanent residence, that person shall be considered to have lost residence in the state, county, municipality, precinct, ward, or other election district from which that person has removed.
- (5) If a person removes to another state or county, municipality, precinct, ward, or other election district within this State, with the intention of remaining there an indefinite time and making that state, county, municipality, precinct, ward, or other election district that person's place of residence, that person shall be considered to have lost that person's place of residence in this State, county, municipality, precinct, ward, or other election district from which that person has removed, notwithstanding that person may entertain an intention to return at some future time.
- (6) If a person goes into another state, county, municipality, precinct, ward, or other election district, or into the District of Columbia, and while there exercises the right of a citizen by voting in an election, that person shall be considered to have lost residence in that State, county, municipality, precinct, ward, or other election district from which that person removed.
- (7) School teachers who remove to a county, municipality, precinct, ward, or other election district in this State for the purpose of teaching in the schools of that county temporarily and with the intention or expectation of returning during vacation periods to live where their parents or other relatives reside in this State and who do not have the intention of becoming residents of the county, municipality, precinct, ward, or other election district to which they have moved to teach, for purposes of registration and voting shall be considered residents of the county, municipality, precinct, ward, or other election district in which their parents or other relatives reside.
- (8) If a person removes to the District of Columbia or other federal territory to engage in the government service, that person shall not be considered to have lost residence in this State during the period of such service unless that person votes in the place to which the person removed, and the place at which that person resided at the time of that person's removal shall be considered and held to be the place of residence.
- (9) If a person removes to a county, municipality, precinct, ward, or other election district to engage in the service of the State government, that person shall not be considered to have lost residence in the county, municipality, precinct, ward, or other election district from which that person removed, unless that person votes in the place to which the person removed, and the place at which that person resided at the time of that person's removal shall be considered and held to be the place of residence.
- (9a) The establishment of a secondary residence by an elected official outside the district of the elected official shall not constitute prima facie evidence of a change of residence.

- (10) For the purpose of voting a spouse shall be eligible to establish a separate domicile.
- (11) So long as a student intends to make the student's home in the community where the student is physically present for the purpose of attending school while the student is attending school and has no intent to return to the student's former home after graduation, the student may claim the college community as the student's domicile. The student need not also intend to stay in the college community beyond graduation in order to establish domicile there. This subdivision is intended to codify the case law. (19th amendt. U.S. Const.; amendt. State Const., 1920; 1901, c. 89, s. 15; Rev., s. 4316; C.S., s. 5937; Ex. Sess. 1920, c. 18, s. 1; 1933, c. 165, s. 4; 1945, c. 758, s. 7; 1955, c. 871, s. 2; 1967, c. 775, s. 1; 1981, c. 184; 1991, c. 727, s. 5.1; 1993 (Reg. Sess., 1994), c. 762, s. 22; 2001-316, s. 1; 2005-428, s. 3(b); 2006-262, s. 2.1.)

§ 163-58: Repealed by Session Laws 1985, c. 563, s. 3.

§ 163-59. Right to participate or vote in party primary.

No person shall be entitled to vote or otherwise participate in the primary election of any political party unless he

- (1) Is a registered voter, and
- (2) Has declared and has had recorded on the registration book or record the fact that he affiliates with the political party in whose primary he proposes to vote or participate, and
- (3) Is in good faith a member of that party.

Notwithstanding the previous paragraph, any unaffiliated voter who is authorized under G.S. 163-116 may also vote in the primary if the voter is otherwise eligible to vote in that primary except for subdivisions (2) and (3) of the previous paragraph.

Any person who will become qualified by age or residence to register and vote in the general election or regular municipal election for which the primary is held, even though not so qualified by the date of the primary, shall be entitled to register for the primary and general or regular municipal election prior to the primary and then to vote in the primary after being registered. Such person may register not earlier than 60 days nor later than the last day for making application to register under G.S. 163-82.6(c) prior to the primary. In addition, persons who will become qualified by age to register and vote in the general election or regular municipal election for which the primary is held, who do not register during the special period may register to vote after such period as if they were qualified on the basis of age, but until they are qualified by age to vote, they may vote only in primary elections. (1915, c. 101, s. 5; 1917, c. 218; C.S., s. 6027; 1959, c. 1203, s. 6; 1967, c. 775, s. 1; 1971, c. 1166, s. 4; 1973, c. 793, s. 20; 1981, c. 33, s. 1; 1983, c. 324, s. 3; 1987, c. 408, s. 4; c. 457, s. 1; 1991 (Reg. Sess., 1992), c. 1032, s. 5; 1993 (Reg. Sess., 1994), c. 762, s. 23.)

Article 7A.

Registration of Voters.

§ 163-82.1. General principles of voter registration.

- (a) Prerequisite to Voting. No person shall be permitted to vote who has not been registered under the provisions of this Article or registered as previously provided by law.
- (b) County Board's Duty to Register. A county board of elections shall register, in accordance with this Article, every person qualified to vote in that county who makes an application in accordance with this Article.

- (c) Permanent Registration. Every person registered to vote by a county board of elections in accordance with this Article shall remain registered until:
 - (1) The registrant requests in writing to the county board of elections to be removed from the list of registered voters; or
 - (2) The registrant becomes disqualified through death, conviction of a felony, or removal out of the county; or
 - (3) The county board of elections determines, through the procedure outlined in G.S. 163-82.14, that it can no longer confirm where the voter resides. (1953, c. 843; 1955, c. 800; 1963, c. 303, s. 1; 1965, c. 1116, s. 1; 1967, c. 775, s. 1; 1973, c. 793, s. 25; 1975, c. 395; 1981, c. 39, s. 1; c. 87, s. 1; c. 308, s. 1; 1985, c. 211, ss. 1, 2; 1993 (Reg. Sess., 1994), c. 762, s. 2.)

§ 163-82.2. Chief State Election Official.

The Executive Director of the State Board of Elections is the "Chief State Election Official" of North Carolina for purposes of P.L. 103-31, The National Voter Registration Act of 1993, subsequently referred to in this Article as the "National Voter Registration Act". As such the Executive Director is responsible for coordination of State responsibilities under the National Voter Registration Act. (1993 (Reg. Sess., 1994), c. 762, s. 2; 2001-319, s. 11.)

§ 163-82.3. Voter registration application forms.

- (a) Form Developed by State Board of Elections. The State Board of Elections shall develop an application form for voter registration. Any person may use the form to apply to do any of the following:
 - (1) Register to vote;
 - (2) Change party affiliation or unaffiliated status;
 - (3) Report a change of address within a county;
 - (4) Report a change of name.

The county board of elections for the county where the applicant resides shall accept the form as application for any of those purposes if the form is submitted as set out in G.S. 163-82.3.

- (b) Interstate Form. The county board of elections where an applicant resides shall accept as application for any of the purposes set out in subsection (a) of this section the interstate registration form designed by the Federal Election Commission pursuant to section 9 of the National Voter Registration Act, if the interstate form is submitted in accordance with G.S. 163-82.6.
- (c) Agency Application Form. The county board of elections where an applicant resides shall accept as application for any of the purposes set out in subsection (a) of this section a form developed pursuant to G.S. 163-82.19 or G.S. 163-82.20. (1991 (Reg. Sess., 1992), c. 1044, s. 18(a); 1993, c. 74, s. 1; 1993 (Reg. Sess., 1994), c. 762, s. 2.)

§ 163-82.4. Contents of application form.

- (a) Information Requested of Applicant. The form required by G.S. 163-82.3(a) shall request the applicant's:
 - (1) Name,
 - (2) Date of birth,
 - (3) Residence address,
 - (4) County of residence,
 - (5) Date of application,
 - (6) Gender,

- (7) Race,
- (7a) Ethnicity,
- (8) Political party affiliation, if any, in accordance with subsection (c) of this section,
- (9) Telephone number (to assist the county board of elections in contacting the voter if needed in processing the application),
- (10) Drivers license number or, if the applicant does not have a drivers license number, the last four digits of the applicant's social security number,

and any other information the State Board finds is necessary to enable officials of the county where the person resides to satisfactorily process the application. The form shall require the applicant to state whether currently registered to vote anywhere, and at what address, so that any prior registration can be cancelled. The portions of the form concerning race and ethnicity shall include as a choice any category shown by the most recent decennial federal census to compose at least one percent (1%) of the total population of North Carolina. The county board shall make a diligent effort to complete for the registration records any information requested on the form that the applicant does not complete, but no application shall be denied because an applicant does not state race, ethnicity, gender, or telephone number. The application shall conspicuously state that provision of the applicant's telephone number is optional. If the county board maintains voter records on computer, the free list provided under this subsection shall include telephone numbers if the county board enters the telephone number into its computer records of voters.

- (a1) No Drivers License or Social Security Number Issued. The State Board shall assign a unique identifier number to an applicant for voter registration if the applicant has not been issued either a current and valid drivers license or a social security number. That unique identifier number shall serve to identify that applicant for voter registration purposes.
- (b) Notice of Requirements, Attestation, Notice of Penalty, and Notice of Confidentiality. The form required by G.S. 163-82.3(a) shall contain, in uniform type, the following:
 - (1) A statement that specifies each eligibility requirement (including citizenship) and an attestation that the applicant meets each such requirement, with a requirement for the signature of the applicant, under penalty of a Class I felony under G.S. 163-275(13).
 - (2) A statement that, if the applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes.
 - (3) A statement that, if the applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes.
- (c) Party Affiliation or Unaffiliated Status. The application form described in G.S. 163-82.3(a) shall provide a place for the applicant to state a preference to be affiliated with one of the political parties in G.S. 163-96, or a preference to be an "unaffiliated" voter. Every person who applies to register shall state his preference. If the applicant fails to declare a preference for a party or for unaffiliated status, that person shall be listed as "unaffiliated", except that if the person is already registered to vote in the county and that person's registration already contains a party affiliation, the county board shall not change the registrant's status to "unaffiliated" unless the registrant clearly indicates a desire in accordance with G.S. 163-82.17 for such a change. An unaffiliated registrant shall not be eligible to vote in any political party primary, except as provided in G.S. 163-119, but may vote in any other primary or general election. The application form shall so state.

- (d) Citizenship and Age Questions. Voter registration application forms shall include all of the following:
 - (1) The question "Are you a citizen of the United States of America?" and boxes for the applicant to check to indicate whether the applicant is or is not a citizen of the United States.
 - (2) The question "Will you be 18 years of age on or before election day?" and boxes for the applicant to check to indicate whether the applicant will be 18 years of age or older on election day.
 - (3) The statement "If you checked 'no' in response to either of these questions, do not complete this form."
- (e) Correcting Registration Forms. If the voter fails to answer the question set out in subdivision (1) of subsection (d) of this section, the voter shall be notified of the omission and given the opportunity to complete the form at any time before casting a vote in the election on election day. If the voter corrects that omission within that time, the voter may vote in the election. (1901, c. 89, s. 12; Rev., s. 4319; C.S., s. 5940; Ex. Sess. 1920, c. 93; 1933, c. 165, s. 5; 1951, c. 984, s. 1; 1953, c. 843; 1955, c. 800; c. 871, s. 2; 1957, c. 784, s. 2; 1963, c. 303, s. 1; 1967, c. 775, s. 1; 1971, c. 1166, s. 6; 1973, c. 793, s. 27; c. 1223, s. 3; 1975, c. 234, s. 2; 1979, c. 135, s. 1; c. 539, ss. 1-3; c. 797, ss. 1, 2; 1981, c. 222; c. 308, s. 2; 1991 (Reg. Sess., 1992), c. 1044, s. 18(a); 1993, c. 74, s. 1; 1993 (Reg. Sess., 1994), c. 762, s. 2; 1999-424, s. 7(c), (d); 1999-453, s. 8(a); 2003-226, s. 9; 2004-127, s. 4; 2005-428, s. 15.)

§ 163-82.5. Distribution of application forms.

The State Board of Elections shall make the forms described in G.S. 163-82.3 available for distribution through governmental and private entities, with particular emphasis on making them available for organized voter registration drives. (1991 (Reg. Sess., 1992), c. 1044, s. 18(a); 1993, c. 74, s. 1; 1993 (Reg. Sess., 1994), c. 762, s. 2.)

§ 163-82.6. Acceptance of application forms.

- (a) How the Form May Be Submitted. The county board of elections shall accept any form described in G.S. 163-82.3 if the applicant submits the form by mail, facsimile transmission, transmission of a scanned document, or in person. The applicant may delegate the submission of the form to another person. Any person who communicates to an applicant acceptance of that delegation shall deliver that form so that it is received by the appropriate county board of elections in time to satisfy the registration deadline in subdivision (1) or (2) of subsection (c) of this section for the next election. It shall be a Class 2 misdemeanor for any person to communicate to the applicant acceptance of that delegation and then fail to make a good faith effort to deliver the form so that it is received by the county board of elections in time to satisfy the registration deadline in subdivision (1) or (2) of subsection (c) of this section for the next election. It shall be an affirmative defense to a charge of failing to make a good faith effort to deliver a delegated form by the registration deadline that the delegatee informed the applicant that the form would not likely be delivered in time for the applicant to vote in the next election. It shall be a Class 2 misdemeanor for any person to sell or attempt to sell a completed voter registration form or to condition its delivery upon payment.
- (b) Signature. The form shall be valid only if signed by the applicant. An electronically captured image of the signature of a voter on an electronic voter registration form offered by a State agency shall be considered a valid signature for all purposes for which a signature on a paper voter registration form is used.
 - (c) Registration Deadlines for an Election. In order to be valid for an election, the form:

- (1) If submitted by mail, must be postmarked at least 25 days before the election, except that any mailed application on which the postmark is missing or unclear is validly submitted if received in the mail not later than 20 days before the election,
- (2) If submitted in person, by facsimile transmission, or by transmission of a scanned document, must be received by the county board of elections by a time established by that board, but no earlier than 5:00 P.M., on the twenty-fifth day before the election,
- (3) If submitted through a delegatee who violates the duty set forth in subsection (a) of this section, must be signed by the applicant and given to the delegatee not later than 25 days before the election, except as provided in subsection (d) of this section.
- (c1) If the application is submitted by facsimile transmission or transmission of a scanned document, a permanent copy of the completed, signed form shall be delivered to the county board no later than 20 days before the election.
- (d) Instances When Person May Register and Vote on Election Day. If a person has become qualified to register and vote between the twenty-fifth day before an election and election day, then that person may apply to register on election day by submitting an application form described in G.S. 163-82.3 (a) or (b) to:
 - (1) A member of the county board of elections;
 - (2) The county director of elections; or
- (3) The chief judge or a judge of the precinct in which the person is eligible to vote, and, if the application is approved, that person may vote the same day. The official in subdivisions (1) through (3) of this subsection to whom the application is submitted shall decide whether the applicant is eligible to vote. The applicant shall present to the official written or documentary evidence that the applicant is the person he represents himself to be. The official, if in doubt as to the right of the applicant to register, may require other evidence satisfactory to that official as to the applicant's qualifications. If the official determines that the person is eligible, the person shall be permitted to vote in the election and the county board shall add the person's name to the list of registered voters. If the official denies the application, the person shall be permitted to vote a challenged ballot under the provisions of G.S. 163-88.1, and may appeal the denial to the full county board of elections. The State Board of Elections shall promulgate rules for the county boards of elections to follow in hearing appeals for denial of election day applications to register. No person shall be permitted to register on the day of a second primary unless he shall have become qualified to register and vote between the date of the first primary and the date of the succeeding second primary.
- (e) For purposes of subsection (d) of this section, persons who "become qualified to register and vote" during a time period:
 - (1) Include those who during that time period are naturalized as citizens of the United States or who are restored to citizenship after a conviction of a felony; but
 - (2) Do not include persons who reach the age of 18 during that time period, if those persons were eligible to register while 17 years old during an earlier period. (1901, c. 89, ss. 18, 21; Rev., ss. 4322, 4323; C.S., ss. 5946, 5947; 1923, c. 111, s. 3; 1933, c. 165, s. 5; 1947, c. 475; 1953, c. 843; 1955, c. 800; 1957, c. 784, ss., 3, 4; 1961, c. 382; 1963, c. 303, ss. 1, 2; 1967, c. 761, s. 3; c. 775, s. 1; 1969, c. 750, ss. 1, 2; 1977, c. 626, s. 1; 1979, c. 539, s. 5; c. 766, s., 2; 1981, c. 33, s. 2; 1981 (Reg. Sess., 1982), c. 1265, s. 6; 1983, c. 553; 1985, c. 260, s. 1; 1991, c. 363, s. 1; 1991 (Reg. Sess., 1992), c. 1032, s. 1; 1991 (Reg. Sess., 1992), c. 1044, s. 18(a); 1993, c.

74, s. 1; 1993 (Reg. Sess., 1994), c. 762, s. 2; 1995, c. 243, s. 1; 1997-456, s. 27; 1999-426, s. 1(a), (b); 2001-315, s. 1; 2001-319, s. 6(a); 2003-226, s. 4; 2004-127, s. 9(a).)

§ 163-82.7. Verification of qualifications and address of applicant; denial or approval of application.

- (a) Tentative Determination of Qualification. When a county board of elections receives an application for registration submitted pursuant to G.S. 163-82.6, the board either:
 - (1) Shall make a determination that the applicant is not qualified to vote at the address given, or
 - (2) Shall make a tentative determination that the applicant is qualified to vote at the address given, subject to the mail verification notice procedure outlined in subsection (c) of this section

within a reasonable time after receiving the application.

- (b) Denial of Registration. If the county board of elections makes a determination pursuant to subsection (a) of this section that the applicant is not qualified to vote at the address given, the board shall send, by certified mail, a notice of denial of registration. The notice of denial shall contain the date on which registration was denied, and shall be mailed within two business days after denial. The notice of denial shall inform the applicant of alternatives that the applicant may pursue to exercise the franchise. If the applicant disagrees with the denial, the applicant may appeal the decision under G.S. 163-82.18.
- (c) Verification of Address by Mail. If the county board of elections tentatively determines that the applicant is qualified to vote at the address given, then the county board shall send a notice to the applicant, by nonforwardable mail, at the address the applicant provides on the application form. The notice shall state that the county will register the applicant to vote if the Postal Service does not return the notice as undeliverable to the county board. The notice shall also inform the applicant of the precinct and voting place to which the applicant will be assigned if registered.
- (d) Approval of Application. If the Postal Service does not return the notice as undeliverable, the county board shall register the applicant to vote.
- (e) Second Notice if First Notice Is Returned as Undeliverable. If the Postal Service returns the notice as undeliverable, the county board shall send a second notice by nonforwardable mail to the same address to which the first was sent. If the second notice is not returned as undeliverable, the county board shall register the applicant to vote.
- (f) Denial of Application Based on Lack of Verification of Address. If the Postal Service returns as undeliverable the notice sent by nonforwardable mail pursuant to subsection (e) of this section, the county board shall deny the application. The county board need not try to notify the applicant further.
- (g) Voting When Verification Process Is Incomplete. In cases where an election occurs before the process of verification outlined in this section has had time to be completed, the county board of elections shall be guided by the following rules:
 - 1) If the county board has made a tentative determination that an applicant is qualified to vote under subsection (a) of this section, then that person shall not be denied the right to vote in person in an election unless the Postal Service has returned as undeliverable two notices to the applicant: one mailed pursuant to subsection (c) of this section and one mailed pursuant to subsection (e) of this section. This subdivision does not preclude a challenge to the voter's qualifications under Article 8 of this Chapter.

- (2) If the Postal Service has returned as undeliverable a notice sent within 25 days before the election to the applicant under subsection (c) of this section, then the applicant may vote only in person in that first election and may not vote by absentee ballot except in person under G.S. 163-227.2. The county board of elections shall establish a procedure at the voting site for:
 - a. Obtaining the correct address of any person described in this subdivision who appears to vote in person; and
 - b. Assuring that the person votes in the proper place and in the proper contests. If a notice mailed under subsection (c) or subsection (e) of this section is returned as undeliverable after a person has already voted by absentee ballot, then that person's ballot may be challenged in accordance with G.S. 163-89.
- (3) If a notice sent pursuant to subsection (c) or (e) of this section is returned by the Postal Service as undeliverable after a person has already voted in an election, then the county board shall treat the person as a registered voter but shall send a confirmation mailing pursuant to G.S. 163-82.14(d)(2) and remove or retain the person on the registration records in accordance with that subdivision. (1991 (Reg. Sess., 1992), c. 1044, s. 18(a); 1993, c. 74, s. 1; 1993 (Reg. Sess., 1994), c. 762, s. 2; 1999-455, s. 16.)

§ 163-82.8. Voter registration cards.

- (a) Authority to Issue Card. With the approval of the board of county commissioners, the county board of elections may issue to each voter in the county a voter registration card, or may issue cards to all voters registered after January 1, 1995.
 - (b) Content and Format of Card. At a minimum, the voter registration card shall:
 - (1) List the voter's name, address, and voting place;
 - (2) Contain the address and telephone number of the county board of elections, along with blanks to report a change of address within the county, change of name, and change of party affiliation; and
 - (3) Be wallet size.

No voter registration card may be issued by a county board of elections unless the State Board of Elections has approved the format of the card.

- (c) Ways County Board and Registrant May Use Card. If the county board of elections issues voter registration cards, the county board may use that card as a notice of tentative approval of the voter's application pursuant to G.S. 163-82.7(c), provided that the mailing contains the statements and information required in that subsection. The county board may also satisfy the requirements of G.S. 163-82.15(b), 163-82.16(b), or 163-82.17(b) by sending the registrant a replacement of the voter registration card to verify change of address, change of name, or change of party affiliation. A registrant may use the card to report a change of address, change of name, or change of party affiliation, satisfying G.S. 163-82.15, 163-82.16, or 163-82.17.
- (d) Card as Evidence of Registration. A voter registration card shall be evidence of registration but shall not preclude a challenge as permitted by law.
- (e) Display of Card May Not Be Required to Vote. No county board of elections may require that a voter registration card be displayed in order to vote. (1901, c. 89, ss. 18, 21; Rev., ss. 4322, 4323; C.S., ss. 5946, 5947; 1923, c. 111, s. 3; 1933, c. 165, s. 5; 1947, c. 475; 1953, c. 843; 1955, c. 800; 1957, c. 784, ss. 3, 4; 1961, c. 382; 1963, c. 303, ss. 1, 2; 1967, c. 761, s. 3; c. 775, s. 1; 1969, c. 750, ss. 1, 2; 1977, c. 626, s. 1; 1979, c. 539, s. 5; c. 766, s. 2; 1981, c. 33, s. 2; 1981 (Reg.

Sess., 1982), c. 1265, s. 6; 1983, c. 553; 1985, c. 260, s. 1; 1991, c. 363, s. 1; 1991 (Reg. Sess., 1992), c. 1032, s. 1; 1993 (Reg. Sess., 1994), c. 762, s. 2.)

§ 163-82.9. Cancellation of prior registration.

If an applicant indicates on an application form described in G.S. 163-82.3 a current registration to vote in any other county, municipality, or state, the county board of elections, upon registering the person to vote, shall send a notice to the appropriate officials in the other county, municipality, or state and shall ask them to cancel the person's voter registration there. If an applicant completes an application form described in G.S. 163-82.3 except that the applicant neglects to complete the portion of the form that authorizes cancellation of previous registration in another county, the State Board of Elections shall notify the county board of elections in the previous county of the new registration, and the board in the previous county shall cancel the registration. The State Board of Elections shall adopt rules to prevent disenfranchisement in the implementation of this section. Those rules shall include adequate notice to the person whose previous registration is to be cancelled. (1973, c. 793, s. 28; c. 1223, s. 4; 1977, c. 265, s. 3; 1983, c. 411, ss. 1, 2; 1993 (Reg. Sess., 1994), c. 762, s. 2; 1995, c. 509, s. 115; 2005-428, s. 9.)

§ 163-82.10. Official record of voter registration.

- (a) Official Record. The State voter registration system is the official voter registration list for the conduct of all elections in the State. A completed and signed registration application form, if available, described in G.S. 163-82.3, once approved by the county board of elections, becomes backup to the official registration record of the voter. Electronically captured images of the signatures of voters, full or partial social security numbers, dates of birth, and drivers license numbers that may be generated in the voter registration process, by either the State Board of Elections or a county board of elections, are confidential and shall not be considered public records and subject to disclosure to the general public under Chapter 132 of the General Statutes. Disclosure of drivers license numbers or dates of birth in violation of this subsection shall not give rise to a civil cause of action. This limitation of liability does not apply to the disclosure of drivers license numbers or dates of birth in violation of this subsection as a result of gross negligence, wanton conduct, or intentional wrongdoing that would otherwise be actionable. The county board of elections shall maintain custody of any paper hard copy registration records of voters in the county and shall keep them in a place where they are secure.
- (a1) Paperless, Instant Electronic Transfer. The application described in G.S. 163-82.3 may be either a paper hard copy or an electronic document.
- (b) Access to Registration Records. Upon request by that person, the county board of elections shall provide to any person a list of the registered voters of the county or of any precinct or precincts in the county. The county board may furnish selective lists according to party affiliation, gender, race, date of registration, precinct name, precinct identification code, congressional district, senate district, representative district, and, where applicable, county commissioner district, city governing board district, fire district, soil and water conservation district, and voter history including primary, general, and special districts, or any other reasonable category. No list produced under this section shall contain a voter's date of birth. However, lists may be produced according to voters' ages. Both the following shall apply to all counties:
 - (1) The county board of elections shall make the voter registration information available to the public on electronic or magnetic medium. For purposes of this section, "electronic or magnetic medium" means any of the media in use by the State Board of Elections at the time of the request.

(2) Information requested on electronic or magnetic medium shall contain the following: voter name, county voter identification number, residential address, mailing address, sex, race, age but not date of birth, party affiliation, precinct name, precinct identification code, congressional district, senate district, representative district, and, where applicable, county commissioner district, city governing board district, fire district, soil and water conservation district, and any other district information available, and voter history including primary, general, and special districts, or any other reasonable category.

The county board shall require each person to whom a list is furnished to reimburse the board for the actual cost incurred in preparing it, except as provided in subsection (c) of this section. Actual cost for the purpose of this section shall not include the cost of any equipment or any imputed overhead expenses. When furnishing information under this subsection to a purchaser on a magnetic medium provided by the county board or the purchaser, the county board may impose a service charge of up to twenty-five dollars (\$25.00).

- (c) Free Lists. A county board shall provide, upon written request, one free list of all the registered voters in the county to the State chair of each political party and to the county chair of each political party once in every odd-numbered year, once during the first six calendar months of every even-numbered year, and once during the latter six calendar months of every even-numbered year. Each free list shall include the name, address, gender, age but not date of birth, race, political affiliation, voting history, precinct, precinct name, precinct identification code, congressional district, senate district, representative district, and, where applicable, county commissioner district, city governing board district, fire district, soil and water conservation district, and voter history including primary, general, and special districts of each registered voter. All free lists shall be provided as soon as practicable on one of any electronic or magnetic media, but no later than 30 days after written request. Each State party chair shall provide the information on the media received from the county boards or a copy of the media containing the data itself to candidates of that party who request the data in writing. As used in this section, "political party" means a political party as defined in G.S. 163-96.
- Exception for Address of Certain Registered Voters. Notwithstanding subsections (b) (d) and (c) of this section, if a registered voter submits to the county board of elections a copy of a protective order without attachments, if any, issued to that person under G.S. 50B-3 or a lawful order of any court of competent jurisdiction restricting the access or contact of one or more persons with a registered voter or a current and valid Address Confidentiality Program authorization card issued pursuant to the provisions of Chapter 15C of the General Statutes, accompanied by a signed statement that the voter has good reason to believe that the physical safety of the voter or a member of the voter's family residing with the voter would be jeopardized if the voter's address were open to public inspection, that voter's address is a public record but shall be kept confidential as long as the protective order remains in effect or the voter remains a certified program participant in the Address Confidentiality Program. That voter's name, precinct, and the other data contained in that voter's registration record shall remain a public record. That voter's signed statement submitted under this subsection is a public record but shall be kept confidential as long as the protective order remains in effect or the voter remains a certified program participant in the Address Confidentiality Program. It is the responsibility of the voter to provide the county board with a copy of the valid protective order in effect or a current and valid Address Confidentiality Program authorization card issued pursuant to the provisions of Chapter 15C of the General Statutes. The voter's actual address shall be used for any election-related purpose by any board of elections. That voter's address shall be available for inspection by a law enforcement agency or by a person identified in a court order, if inspection of

the address by that person is directed by that court order. It shall not be a violation of this section if the address of a voter who is participating in the Address Confidentiality Program is discovered by a member of the public in public records disclosed by a county board of elections prior to December 1, 2001. Addresses required to be kept confidential by this section shall not be made available to the jury commission under the provisions of G.S. 9-2. (1901, c. 89, s. 83; Rev., s. 4382; C.S., s. 6016; 1931, c. 80; 1939, c. 263, s. 31/2; 1949, c. 916, ss. 6, 7; 1953, c. 843; 1955, c. 800; 1959, c. 883; 1963, c. 303, s. 1; 1965, c. 1116, s. 1; 1967, c. 775, s. 1; 1973, c. 793, ss. 22, 25; 1975, c. 12; c. 395; 1979, 2nd Sess., c. 1242; 1981, c. 39, s. 1; c. 87, s.1; c. 308, s. 1; c. 656; 1983, c. 218, ss. 1, 2; 1985, c. 211, ss. 1, 2; c. 472, s. 1; 1993 (Reg. Sess., 1994), c. 762, s. 2; 1995 (Reg. Sess., 1996), c. 688, s. 2; 2001-396, s. 1; 2002-171, s. 8; 2003-226, ss. 2, 3; 2003-278, s. 6; 2004-127, s. 17(c); 2005-428, s. 10(a), (b).)

§ 163-82.10A. Permanent voter registration numbers.

The statewide voter registration system shall assign to each voter a unique registration number. That number shall be permanent for that voter and shall not be changed or reassigned by the county board of elections. (2001-319, s. 8.1(a); 2003-226, s. 10.)

§ 163-82.10B. Confidentiality of date of birth.

Boards of elections shall keep confidential the date of birth of every voter-registration applicant and registered voter, except in the following situations:

- (1) When a voter has filed notice of candidacy for elective office under G.S. 163-106, 163-122, 163-123, or 163-294.2, or 163-323, has been nominated as a candidate under G.S. 163-98 or G.S. 163-114, or has otherwise formally become a candidate for elective office. The exception of this subdivision does not extend to an individual who meets the definition of "candidate" only by beginning a tentative candidacy by receiving funds or making payments or giving consent to someone else to receive funds or transfer something of value for the purpose of exploring a candidacy.
- (2) When a voter is serving in an elective office.
- (3) When a voter has been challenged pursuant to Article 8 of this Chapter.
- (4) When a voter-registration applicant or registered voter expressly authorizes in writing the disclosure of that individual's date of birth.

The disclosure of an individual's age does not constitute disclosure of date of birth in violation of this section.

The county board of elections shall give precinct officials access to a voter's date of birth where necessary for election administration, consistent with the duty to keep dates of birth confidential.

Disclosure of a date of birth in violation of this section shall not give rise to a civil cause of action. This limitation of liability does not apply to the disclosure of a date of birth in violation of this subsection as a result of gross negligence, wanton conduct, or intentional wrongdoing that would otherwise be actionable. (2004-127, s. 17(a).)

§ 163-82.11. Establishment of statewide computerized voter registration.

(a) Statewide System as Official List. – The State Board of Elections shall develop and implement a statewide computerized voter registration system to facilitate voter registration and to provide a central database containing voter registration information for each county. The system shall serve as the single system for storing and managing the official list of registered voters in the State. The system shall serve as the official voter registration list for the conduct of all elections in

the State. The system shall encompass both software development and purchasing of the necessary hardware for the central and distributed-network systems.

- (b) Uses of Statewide System. The State Board of Elections shall develop and implement the system so that each county board of elections can do all the following:
 - (1) Verify that an applicant to register in its county is not also registered in another county.
 - (2) Be notified automatically that a registered voter in its county has registered to vote in another county.
 - (3) Receive automatically data about a person who has applied to vote at a drivers license office or at another public agency that is authorized to accept voter registration applications.
- (c) Compliance With Federal Law. The State Board of Elections shall update the statewide computerized voter registration list and database to meet the requirements of section 303(a) of the Help America Vote Act of 2002 and to reflect changes when citizenship rights are restored under G.S. 13-1.
- (d) Role of County and State Boards of Elections. Each county board of elections shall be responsible for registering voters within its county according to law. Each county board of elections shall maintain its records by using the statewide computerized voter registration system in accordance with rules promulgated by the State Board of Elections. Each county board of elections shall enter through the computer system all additions, deletions, and changes in its list of registered voters promptly to the statewide computer system.
- (e) Cooperation on List for Jury Commission. The State Board of Elections shall assist the Division of Motor Vehicles in providing to the county jury commission of each county, as required by G.S. 20-43.4, a list of all registered voters in the county and all persons in the county with drivers license records. (1993 (Reg. Sess., 1994), c. 762, s. 2; 2003-226, s. 6.)

§ 163-82.12. Promulgation of guidelines relating to computerized voter registration.

The State Board of Elections shall make all guidelines necessary to administer the statewide voter registration system established by this Article. All county boards of elections shall follow these guidelines and cooperate with the State Board of Elections in implementing guidelines. These guidelines shall include provisions for all of the following:

- (1) Establishing, developing, and maintaining a computerized central voter registration file.
- (2) Linking the central file through a network with computerized voter registration files in each of the counties.
- (3) Interacting with the computerized drivers license records of the Division of Motor Vehicles and with the computerized records of other public agencies authorized to accept voter registration applications.
- (4) Protecting and securing the data.
- (5) Converting current voter registration records in the counties in computer files that can be used on the statewide computerized registration system.
- (6) Enabling the statewide system to determine whether the voter identification information provided by an individual is valid.
- (7) Enabling the statewide system to interact electronically with the Division of Motor Vehicles system to validate identification information.

- (8) Enabling the Division of Motor Vehicles to provide real-time interface for the validation of the drivers license number and last four digits of the social security number.
- (9) Enabling the statewide system to assign a unique identifier to each legally registered voter in the State.
- (10) Enabling the State Board of Elections to assist the Division of Motor Vehicles in providing to the jury commission of each county, as required by G.S. 20-43.4, a list of all registered voters in the county and all persons in the county with drivers license records.

These guidelines shall not be considered to be rules subject to Article 2A of Chapter 150B of the General Statutes. However, the State Board shall publish in the North Carolina Register the guidelines and any changes to them after adoption, with that publication noted as information helpful to the public under G.S. 150B-21.17(a)(6). Copies of those guidelines shall be made available to the public upon request or otherwise by the State Board. (1993 (Reg. Sess., 1994), c. 762, s. 2; 2003-226, s. 7(a).)

§ 163-82.14. List maintenance.

- (a) Uniform Program. The State Board of Elections shall adopt a uniform program that makes a reasonable effort:
 - (1) To remove the names of ineligible voters from the official lists of eligible voters, and
 - (2) To update the addresses and other necessary data of persons who remain on the official lists of eligible voters.

That program shall be nondiscriminatory and shall comply with the provisions of the Voting Rights Act of 1965, as amended, and with the provisions of the National Voter Registration Act. The State Board of Elections, in addition to the methods set forth in this section, may use other methods toward the ends set forth in subdivisions (1) and (2) of this subsection, including address-updating services provided by the Postal Service. Each county board of elections shall conduct systematic efforts to remove names from its list of registered voters in accordance with this section and with the program adopted by the State Board.

- (b) Death. The Department of Health and Human Services shall furnish free of charge to the State Board of Elections every month, in a format prescribed by the State Board of Elections, the names of deceased persons who were residents of the State. The State Board of Elections shall distribute every month to each county board of elections the names on that list of deceased persons who were residents of that county. The Department of Health and Human Services shall base each list upon information supplied by death certifications it received during the preceding month. Upon the receipt of those names, each county board of elections shall remove from its voter registration records any person the list shows to be dead. The county board need not send any notice to the address of the person so removed.
 - (c) Conviction of a Felony.
 - (1) Report of Conviction Within the State. The clerk of superior court, on or before the fifteenth day of every month, shall report to the county board of elections of that county the name, county of residence, and residence address if available, of each individual against whom a final judgment of conviction of a felony has been entered in that county in the preceding calendar month. Any county board of elections receiving such a report about an individual who is a resident of another

- county in this State shall forward a copy of that report to the board of elections of that county as soon as possible.
- (2) Report of Federal Conviction. The Executive Director of the State Board of Elections, upon receipt of a notice of conviction sent by a United States Attorney pursuant to section 8(g) of the National Voter Registration Act, shall notify the appropriate county boards of elections of the conviction.
- (3) County Board's Duty Upon Receiving Report of Conviction. When a county board of elections receives a notice pursuant to subdivision (1) or (2) of this subsection relating to a resident of that county and that person is registered to vote in that county, the board shall, after giving 30 days' written notice to the voter at his registration address, and if the voter makes no objection, remove the person's name from its registration records. If the voter notifies the county board of elections of his objection to the removal within 30 days of the notice, the chairman of the board of elections shall enter a challenge under G.S. 163-85(c)(5), and the notice the county board received pursuant to this subsection shall be prima facie evidence for the preliminary hearing that the registrant was convicted of a felony.
- (d) Change of Address. A county board of elections shall conduct a systematic program to remove from its list of registered voters those who have moved out of the county, and to update the registration records of persons who have moved within the county. The county board shall remove a person from its list if the registrant:
 - (1) Gives confirmation in writing of a change of address for voting purposes out of the county. "Confirmation in writing" for purposes of this subdivision shall include:
 - a. A report to the county board from the Department of Transportation or from a voter registration agency listed in G.S. 163-82.20 that the voter has reported a change of address for voting purposes outside the county;
 - b. A notice of cancellation received under G.S. 163-82.9; or
 - c. A notice of cancellation received from an election jurisdiction outside the State.
 - (2) Fails to respond to a confirmation mailing sent by the county board in accordance with this subdivision and does not vote or appear to vote in an election beginning on the date of the notice and ending on the day after the date of the second general election for the United States House of Representatives that occurs after the date of the notice. A county board sends a confirmation notice in accordance with this subdivision if the notice:
 - a. Is a postage prepaid and preaddressed return card, sent by forwardable mail, on which the registrant may state current address;
 - b. Contains or is accompanied by a notice to the effect that if the registrant did not change residence but remained in the county, the registrant should return the card not later than the deadline for registration by mail in G.S. 163-82.6(c)(1); and
 - c. Contains or is accompanied by information as to how the registrant may continue to be eligible to vote if the registrant has moved outside the county.
 - A county board shall send a confirmation mailing in accordance with this subdivision to every registrant after every congressional election if the county board has not confirmed the registrant's address by another means.
 - (3) Any registrant who is removed from the list of registered voters pursuant to this subsection shall be reinstated if the voter appears to vote and gives oral or written

affirmation that the voter has not moved out of the county but has maintained residence continuously within the county. That person shall be allowed to vote as provided in G.S. 163-82.15(f). (1953, c. 843; 1955, c. 800; 1963, c. 303, s. 1; 1965, c. 1116, s. 1; 1967, c. 775, s. 1; 1973, c. 793, ss. 25, 28; c. 1223, s. 4; 1975, c. 395; 1977, c. 265, s. 3; 1981, c. 39, s. 1; c. 87, s. 1; c. 308, s. 1; 1983, c. 411, ss. 1, 2; 1985, c. 211, ss. 1, 2; 1987, c. 691, s. 1; 1993 (Reg. Sess., 1994), c. 762, s. 2; 1997-443, s. 11A.117; 1999-453, s. 7(a), (b); 2001-319, ss. 8(a), 11; 2005-428, s. 14.)

§ 163-82.15. Change of address within the county.

- (a) Registrant's Duty to Report. No registered voter shall be required to re-register upon moving from one precinct to another within the same county. Instead, a registrant shall notify the county board of the change of address by the close of registration for an election as set out in G.S. 163-82.6(c). In addition to any other method allowed by G.S. 163-82.6, the form may be submitted by electronic facsimile, under the same deadlines as if it had been submitted in person. The registrant shall make the notification by means of a voter registration form as described in G.S. 163-82.3, or by another written notice, signed by the registrant, that includes the registrant's full name, former residence address, new residence address, and the registrant's attestation that the registrant moved at least 30 days before the next primary or election from the old to the new address.
- (b) Verification of New Address by Mail. When a county board of elections receives a notice that a registrant in that county has changed residence within the same county, the county board shall send a notice, by nonforwardable mail, to the registrant at the new address. The notice shall inform the registrant of any new precinct and voting place that will result from the change of address, and it shall state whether the registrant shall vote at the new voting place during the upcoming election or at a later election. If the Postal Service returns the county board's notice to the registrant as undeliverable, the county board shall either:
 - (1) Send a second notice by nonforwardable mail to the new address and, if it is returned as undeliverable, send to the registrant's old address a confirmation notice as described in G.S. 163-82.14(d)(2); or
 - (2) Send to the registrant's old address a confirmation notice as described in G.S. 163-82.14(d)(2) without first sending a second nonforwardable notice to the new address.

In either case, if the registrant does not respond to the confirmation notice as described in G.S. 163-82.14(d)(2), then the county board shall proceed with the removal of the registrant from the list of voters in accordance with G.S. 163-82.14(d).

- (c) Board's Duty to Make Change. If the county board confirms the registrant's new address in accordance with subsection (b) of this section, the county board shall as soon as practical change the record to reflect the new address.
- (d) Unreported Move Within the Same Precinct. A registrant who has moved from one address to another within the same precinct shall, notwithstanding failure to notify the county board of the change of address before an election, be permitted to vote at the voting place of that precinct upon oral or written affirmation by the registrant of the change of address before a precinct official at that voting place.
- (e) Unreported Move to Another Precinct Within the County. If a registrant has moved from an address in one precinct to an address in another precinct within the same county more than 30 days before an election and has failed to notify the county board of the change of address before the close of registration for that election, the county board shall permit that person to vote in that

election. The county board shall permit the registrant described in this subsection to vote at the registrant's new precinct, upon the registrant's written affirmation of the new address, or, if the registrant prefers, at a central location in the county to be chosen by the county board. If the registrant appears at the old precinct, the precinct officials there shall send the registrant to the new precinct or, if the registrant prefers, to the central location, according to rules which shall be prescribed by the State Board of Elections. At the new precinct, the registrant shall be processed by a precinct transfer assistant, according to rules which shall be prescribed by the State Board of Elections. Any voter subject to this subsection may instead vote a provisional ballot according to the provisions of G.S. 163-166.11.

- (f) When Registrant Disputes Registration Records. If the registration records indicate that the registrant has moved outside the precinct, but the registrant denies having moved from the address within the precinct previously shown on the records, the registrant shall be permitted to vote at the voting place for the precinct where the registrant claims to reside, if the registrant gives oral or written affirmation before a precinct official at that voting place.
- (g) Precinct Transfer Assistants. The county board of elections shall either designate a board employee or appoint other persons to serve as precinct transfer assistants to receive the election-day transfers of the voters described in subsection (e) of this section. In addition, board members and employees may perform the duties of precinct transfer assistants. The State Board of Elections shall promulgate uniform rules to carry out the provisions of this section, and shall define in those rules the duties of the precinct transfer assistant. (1979, c. 135, s. 2; 1983, c. 392, s. 2; 1984, Ex. Sess., c. 3, ss. 1, 2; 1987, c. 549, s. 1; 1989, c. 427; 1991, c. 12, s. 1; 1991 (Reg. Sess., 1992), c. 1032, s. 3; 1993 (Reg. Sess., 1994), c. 762, s. 2; 2001-314, s. 1; 2005-2, s. 3; 2006-262, s. 2.)

§ 163-82.16. Change of name.

- (a) Registrant's Duty to Report. If the name of a registrant is changed in accordance with G.S. 48-1-104, G.S. 50-12, or Chapter 101 of the General Statutes, or if a married registrant assumes the last name of the registrant's spouse, the registrant shall not be required to re-register, but shall report the change of name to the county board not later than the last day for applying to register to vote for an election in G.S. 163-82.6. The registrant shall report the change on a form described in G.S. 163-82.3 or on a voter registration card described in G.S. 163-82.8 or in another written statement that is signed, contains the registrant's full names, old and new, and the registrant's current residence address.
- (b) Verification of New Name by Mail. When a county board of elections receives a notice of name change from a registrant in that county, the county board shall send a notice, by nonforwardable mail, to the registrant's residence address. The notice shall state that the registrant's records will be changed to reflect the new name if the registrant does not respond that the name change is incorrect. If the Postal Service returns the county board's notice to the registrant as undeliverable, the county board shall send to the registrant's residence address a confirmation notice as described in G.S. 163-82.14(d)(2).

If the registrant does not respond to the confirmation notice as described in G.S. 163-82.14(d)(2), then the county board shall proceed with the removal of the registrant from the list of voters in accordance with G.S. 163-82.14(d).

(c) Board's Duty to Make Change. – If the county board confirms the registrant's address in accordance with subsection (b) of this section and the registrant does not deny making the application for the name change, the county board shall as soon as practical change the record of the registrant's name to conform to that stated in the application.

(d) Unreported Name Change. – A registrant who has not reported a name change in accordance with subsection (a) of this section shall be permitted to vote if the registrant reports the name change to the chief judge at the voting place, or to the county board along with the voter's application for an absentee ballot. (1979, c. 480; 1981, c. 33, s. 3; 1989 (Reg. Sess., 1990), c. 991, s. 3; 1991 (Reg. Sess., 1992), c. 1032, s. 2; 1993 (Reg. Sess., 1994), c. 762, s. 2; 1995, c. 457, s. 9.)

§ 163-82.17. Change of party affiliation.

- (a) Registrant's Duty to Report. Any registrant who desires to have the record of his party affiliation or unaffiliated status changed on the registration list shall, no later than the last day for making application to register under G.S. 163-82.6 before the election, indicate the change on an application form as described in G.S. 163-82.3 or on a voter registration card described in G.S. 163-82.8. No registrant shall be permitted to change party affiliation or unaffiliated status for a primary, second primary, or special or general election after the deadline for registration applications for that election as set out in G.S. 163-82.6.
- (b) Verification of Affiliation Change by Mail. When a county board of elections receives a notice of change of party affiliation or unaffiliated status from a registrant in that county, the county board shall send a notice, by nonforwardable mail, to the registrant's residence address. The notice shall state that the registrant's records will be changed to reflect the change of status if the registrant does not respond by stating that he does not desire a change in status. The notice shall also inform the registrant of the time that the change of affiliation status will occur, and shall explain the provisions of subsection (d) of this section. If the Postal Service returns the county board's notice to the registrant as undeliverable, the county board shall send to the registrant's residence address a confirmation notice as described in G.S. 163-82.14(d)(2). If the registrant does not respond to the confirmation notice as described in G.S. 163-82.14(d)(2), then the county board shall proceed with the removal of the registrant from the list of voters in accordance with G.S. 163-82.14(d).
- (c) Board's Duty to Make Change. If the county board confirms the registrant's address in accordance with subsection (b) of this section and the registrant does not deny making the application to change affiliated or unaffiliated status, the county board of elections shall as soon as practical change the record of the registrant's party affiliation, or unaffiliated status, to conform to that stated in the application. Thereafter the voter shall be considered registered and qualified to vote in accordance with the change, except as provided in subsection (d) of this section.
- (d) Deadline to Change Status Before Primary. If a registrant applies to change party affiliation or unaffiliated status later than the last day for applying to register under G.S. 163-82.6 before a primary, the registrant shall not be entitled to vote in the primary of a party in which the registrant's status on that last day did not entitle the registrant to vote.
- (e) Authority of County Board or Director to Make Correction. If at any time the chairman or director of elections of the county board of elections is satisfied that an error has been made in designating the party affiliation of any voter on the registration records, then the chairman or director of elections of the county board of elections shall make the necessary correction after receiving from the voter a sworn statement as to the error and the correct status. (1939, c. 263, s. 6; 1949, c. 916, ss. 4, 8; 1953, c. 843; 1955, c. 800; c. 871, s. 3; 1957, c. 784, s. 5; 1963, c. 303, s. 1; 1967, c. 775, s. 1; 1973, c. 793, ss. 30, 31; c. 1223, s. 5; 1975, c. 234, s. 2; 1977, c. 130, s. 1; c. 626, s. 1; 1981, c. 33, s. 4; c. 219, s. 4; 1983, c. 576, s. 4; 1987, c. 408, ss. 1, 6; 1989, c. 635, s. 2; 1991 (Reg. Sess., 1992), c. 1032, s. 4; 1993 (Reg. Sess., 1994), c. 762, s. 2; 1995, c. 243, s. 1.)

§ 163-82.18. Appeal from denial of registration.

- (a) Right to Appeal. Any applicant who receives notice of denial of registration pursuant to G.S. 163-82.7 may appeal the denial within five days after receipt of the notice of denial. The county board of elections shall promptly set a date for a public hearing. The notice of appeal shall be in writing and shall be signed by the appealing party, shall include the appealing party's name, date of birth, address, and reasons for the appeal.
- (b) Hearing Before County Board of Elections. The county board of elections shall set a date and time for a public hearing and shall notify the appealing party. Every person appealing to the county board of elections from denial of registration shall be entitled to a prompt and fair hearing on the question of the denied applicant's right and qualifications to register as a voter. All cases on appeal to a county board of elections shall be heard de novo.

Two members of the county board of elections shall constitute a quorum for the purpose of hearing appeals on questions of registration. The decision of a majority of the members of the board shall be the decision of the board. The board shall be authorized to subpoena witnesses and to compel their attendance and testimony under oath, and it is further authorized to subpoena papers and documents relevant to any matters pending before the board.

If at the hearing the board shall find that the person appealing from a denial of registration meets all requirements of law for registration as a voter in the county, the board shall enter an order directing that the appellant be registered and assign the appellant to the appropriate precinct. Not later than five days after an appeal is heard before the county board of elections, the board shall give written notice of its decision to the appealing party.

(c) Appeal to Superior Court. – Any person aggrieved by a final decision of a county board of elections denying registration may at any time within 10 days from the date on which he receives notice of the decision appeal to the superior court of the county in which the board is located. Upon such an appeal, the appealing party shall be the plaintiff and the county board of elections shall be the defendant, and the matter shall be heard de novo in the superior court in the manner in which other civil actions are tried and disposed of in that court.

If the decision of the court is that the order of the county board of elections shall be set aside, then the court shall enter its order so providing and adjudging that the plaintiff is entitled to be registered as a qualified voter in the precinct in which he originally made application to register, and in such case the plaintiff's name shall be entered in the registration book of that precinct. The court shall not order the registration of any person in a precinct in which he did not apply to register prior to the proceeding in court.

From the judgment of the superior court an appeal may be taken to the appellate division in the same manner as other appeals are taken from judgments of that court in civil actions. (1957, c. 287, dd. 2-4; 1967, c. 775, s. 1; 1969, c. 44, s. 82; 1981, c. 542, ss. 1, 2; 1993 (Reg. Sess., 1994), c. 762, s. 2.)

§ 163-82.19. Voter registration at drivers license offices; coordination on data interface.

(a) Voter Registration at Drivers License Offices. – The Division of Motor Vehicles shall, pursuant to the rules adopted by the State Board of Elections, modify its forms so that any eligible person who applies for original issuance, renewal or correction of a drivers license, or special identification card issued under G.S. 20-37.7 may, on a part of the form, complete an application to register to vote or to update his registration if the voter has changed his address or moved from one precinct to another or from one county to another. The person taking the application shall ask if the applicant is a citizen of the United States. If the applicant states that the applicant is not a citizen of the United States, or declines to answer the question, the person taking the application shall inform the applicant that it is a felony for a person who is not a citizen of the United States to apply to

register to vote. Any person who willfully and knowingly and with fraudulent intent gives false information on the application is guilty of a Class I felony. The application shall state in clear language the penalty for violation of this section. The necessary forms shall be prescribed by the State Board of Elections. The form must ask for the previous voter registration address of the voter, if any. If a previous address is listed, and it is not in the county of residence of the applicant, the appropriate county board of elections shall treat the application as an authorization to cancel the previous registration and also process it as such under the procedures of G.S. 163-82.9. If a previous address is listed and that address is in the county where the voter applies to register, the application shall be processed as if it had been submitted under G.S. 163-82.9.

Registration shall become effective as provided in G.S. 163-82.7. Applications to register to vote accepted at a drivers license office under this section until the deadline established in G.S. 163-82.6(c)(2) shall be treated as timely made for an election, and no person who completes an application at that drivers license office shall be denied the vote in that election for failure to apply earlier than that deadline.

All applications shall be forwarded by the Department of Transportation to the appropriate board of elections not later than five business days after the date of acceptance, according to rules which shall be promulgated by the State Board of Elections. Those rules shall provide for a paperless, instant, electronic transfer of applications to the appropriate board of elections.

(b) Coordination on Data Interface. – The Department of Transportation jointly with the State Board of Elections shall develop and operate a computerized interface to match information in the database of the statewide voter registration system with the drivers license information in the Division of Motor Vehicles to the extent required to enable the State Board of Elections and the Department of Transportation to verify the accuracy of the information provided on applications for voter registration, whether the applications were received at drivers license offices or elsewhere. The Department of Transportation and the State Board shall implement the provisions of this subsection so as to comply with section 303 of the Help America Vote Act of 2002. The Department of Transportation shall enter into an agreement with the Commissioner of Social Security so as to comply with section 303 of the Help America Vote Act of 2002. (1983, c. 854, s. 1; 1991 (Reg. Sess., 1992), c. 1044, s. 19(a); 1993, c. 74, s. 2; 1993 (Reg. Sess., 1994), c. 762, s. 2; 1998-149, s. 11.1; 2001-319, s. 7(a); 2003-226, s. 7(b).)

§ 163-82.20. Voter registration at other public agencies.

- (a) Voter Registration Agencies. Every office in this State which accepts:
 - (1) Applications for a program of public assistance under Article 2 of Chapter 108A of the General Statutes or under Article 13 of Chapter 130A of the General Statutes;
 - (2) Applications for State-funded State or local government programs primarily engaged in providing services to persons with disabilities, with such office designated by the State Board of Elections; or
 - (3) Claims for benefits under Chapter 96 of the General Statutes, the Employment Security Law,

is designated as a voter registration agency for purposes of this section.

- (b) Duties of Voter Registration Agencies. A voter registration agency described in subsection (a) of this section shall, unless the applicant declines, in writing, to register to vote:
 - (1) Distribute with each application for service or assistance, and with each recertification, renewal, or change of address relating to such service or assistance:
 - a. The voter registration application form described in G.S. 163-82.3(a) or (b);

- b. The voter registration agency's own form, if it is substantially equivalent to the form described in G.S. 163-82.3(a) or (b) and has been approved by the State Board of Elections, provided that the agency's own form may be a detachable part of the agency's paper application or may be a paperless computer process, as long as the applicant is required to sign an attestation as part of the application to register.
- (2) Provide a form that contains the elements required by section 7(a)(6)(B) of the National Voter Registration Act; and
- (3) Provide to each applicant who does not decline to register to vote the same degree of assistance with regard to the completion of the registration application as is provided by the office with regard to the completion of its own forms.
- (c) Provided that voter registration agencies designated under subdivision (a)(3) of this section shall only be required to provide the services set out in this subsection to applicants for new claims, reopened claims, and changes of address under Chapter 96 of the General Statutes, the Employment Security Law.
- (d) Home Registration for Disabled. If a voter registration agency provides services to a person with disability at the person's home, the voter registration agency shall provide the services described in subsection (b) of this section at the person's home.
- (e) Prohibitions. Any person providing any service under subsection (b) of this section shall not:
 - (1) Seek to influence an applicant's political preference or party registration, except that this shall not be construed to prevent the notice provided by G.S. 163-82.4(c) to be given if the applicant refuses to declare his party affiliation;
 - (2) Display any such political preference or party allegiance;
 - (3) Make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote; or
 - (4) Make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits.
- (f) Confidentiality of Declination to Register. No information relating to a declination to register to vote in connection with an application made at a voter registration agency may be used for any purpose other than voter registration.
- (g) Transmittal From Agency to Board of Elections. Any voter registration application completed at a voter registration agency shall be accepted by that agency in lieu of the applicant's mailing the application. Any such application so received shall be transmitted to the appropriate board of elections not later than five business days after acceptance, according to rules which shall be promulgated by the State Board of Elections.
- (h) Twenty-Five-Day Deadline for an Election. Applications to register accepted by a voter registration agency shall entitle a registrant to vote in any primary, general, or special election unless the registrant shall have made application later than the twenty-fifth calendar day immediately preceding such primary, general, or special election, provided that nothing shall prohibit voter registration agencies from continuing to accept applications during that period.
- (i) Ineligible Applications Prohibited. No person shall make application to register to vote under this section if that person is ineligible to vote on account of age, citizenship, lack of residence for the period of time provided by law, or because of conviction of a felony. (1993 (Reg. Sess., 1994), c. 762, s. 2; 1995, c. 507, s. 25.10(c); 1995 (Reg. Sess., 1996), c. 608, s. 1.)

ATTACHMENT H: NVRA AGENCY REGISTRATION

(i) Sec. 1973gg-5 Voter registration agencies

- (a) Designation
- (1) Each State shall designate agencies for the registration of voters in elections for Federal office.
- (2) Each State shall designate as voter registration agencies -
- (A) all offices in the State that provide public assistance; and
- (B) all offices in the State that provide State-funded programs primarily engaged in providing services to persons with disabilities.
- (3)(A) In addition to voter registration agencies designated under paragraph (2), each State shall designate other offices within the State as voter registration agencies.
- (B) Voter registration agencies designated under subparagraph (A) may include -
- (i) State or local government offices such as public libraries, public schools, offices of city and county clerks (including marriage license bureaus), fishing and hunting license bureaus, government revenue offices, unemployment compensation offices, and offices not described in paragraph (2)(B) that provide services to persons with disabilities; and
- (ii) Federal and nongovernmental offices, with the agreement of such offices.
- (4)(A) At each voter registration agency, the following services shall be made available:
- (i) Distribution of mail voter registration application forms in accordance with paragraph (6).
- (ii) Assistance to applicants in completing voter registration application forms, unless the applicant refuses such assistance.
- (iii) Acceptance of completed voter registration application forms for transmittal to the appropriate State election official.
- (B) If a voter registration agency designated under paragraph
- (2)(B) provides services to a person with a disability at the person's home, the agency shall provide the services described in subparagraph (A) at the person's home.
- (5) A person who provides service described in paragraph (4) shall not -
- (A) seek to influence an applicant's political preference or party registration;
- (B) display any such political preference or party allegiance;
- (C) make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote; or
- (D) make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits.

- (6) A voter registration agency that is an office that provides service or assistance in addition to conducting voter registration shall -
- (A) distribute with each application for such service or assistance, and with each recertification, renewal, or change of address form relating to such service or assistance -
- (i) the mail voter registration application form described in section 1973gg-7(a)(2) of this title, including a statement that -
- (I) specifies each eligibility requirement (including citizenship);
- (II) contains an attestation that the applicant meets each such requirement; and
- (III) requires the signature of the applicant, under penalty of perjury; or
- (ii) the office's own form if it is equivalent to the form described in section 1973gg-7(a)(2) of this title, unless the applicant, in writing, declines to register to vote;
- (B) provide a form that includes -
- (i) the question, "If you are not registered to vote where you live now, would you like to apply to register to vote here today?";
- (ii) if the agency provides public assistance, the statement, "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.";
- (iii) boxes for the applicant to check to indicate whether the applicant would like to register or declines to register to vote (failure to check either box being deemed to constitute a declination to register for purposes of subparagraph (C)), together with the statement (in close proximity to the boxes and in prominent type), "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.";
- (iv) the statement, "If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private."; and
- (v) the statement, "If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with ____.", the blank being filled by the name, address, and telephone number of the appropriate official to whom such a complaint should be addressed; and
- (C) provide to each applicant who does not decline to register to vote the same degree of assistance with regard to the completion of the registration application form as is provided by the office with regard to the completion of its own forms, unless the applicant refuses such assistance.
- (7) No information relating to a declination to register to vote in connection with an application made at an office described in paragraph (6) may be used for any purpose other than voter registration.
- (b) Federal Government and private sector cooperation

All departments, agencies, and other entities of the executive branch of the Federal Government shall, to the greatest extent practicable, cooperate with the States in carrying out subsection (a) of this section, and all nongovernmental entities are encouraged to do so.

(c) Armed Forces recruitment offices

- (1) Each State and the Secretary of Defense shall jointly develop and implement procedures for persons to apply to register to vote at recruitment offices of the Armed Forces of the United States.
- (2) A recruitment office of the Armed Forces of the United States shall be considered to be a voter registration agency designated under subsection (a)(2) of this section for all purposes of this subchapter.
- (d) Transmittal deadline
- (1) Subject to paragraph (2), a completed registration application accepted at a voter registration agency shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.
- (2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance. (Pub. L. 103-31, Sec. 7, May 20, 1993, 107 Stat. 80.)

1) EX. ORD. NO. 12926. IMPLEMENTATION OF NATIONAL VOTER REGISTRATION ACT OF 1993

Ex. Ord. No. 12926, Sept. 12, 1994, 59 F.R. 47227, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, and in order to ensure, as required by section 7(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg) (42 U.S.C. 1973gg-5(b)) ("the Act"), that departments, agencies, and other entities of the executive branch of the Federal Government cooperate with the States in carrying out the Act's requirements, it is hereby ordered as follows:

Section 1. Assistance to States. To the greatest extent practicable, departments, agencies, and other entities of the executive branch of the Federal Government that provide, in whole or in part, funding, grants, or assistance for, or with respect to the administration of, any program of public assistance or services to persons with disabilities within the meaning of section 7(a) of the Act shall:

- (a) provide, to State agencies administering any such program, guidance for the implementation of the requirements of section 7 of the Act, including guidance for use and distribution of voter registration forms in connection with applications for service;
- (b) assist each such State agency administering any such program with the costs of implementation of the Act (42 U.S.C. 1973gg et seq.), consistent with legal authority and the availability of funds, and promptly indicate to each State agency the extent to which such assistance will be made available; and
- (c) designate an office or staff to be available to provide technical assistance to such State agencies.

Sec. 2. Armed Forces Recruitment Offices.

The Secretary of Defense is directed to work with the appropriate State elections authorities in each State to develop procedures for persons to apply to register to vote at Armed Forces recruitment offices as required by section 7(c) of the Act.

Sec. 3. Acceptance of Designation. To the greatest extent practicable, departments, agencies, or other entities of the executive branch of the Federal Government, if requested to be designated as a voter registration agency pursuant to section 7(a)(3)(B)(ii) of the Act, shall: (a) agree to such a designation if agreement is consistent with the department's, agency's, or entity's legal authority and availability of funds; and (b) ensure that all of its offices that are located in a particular State will have available to the public at least one of the national voter registration forms that are required under the Act to be available in that State.

William J. Clinton.